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SOME PROVERBS OF THE NYANJA PEOPLE

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INTRODUCTORY

(1) THE COLLECTING OF PROVERBS AND THEIR SOURCE:

The collecting of Bantu riddles is comparatively easy. It is only necessary to gain the confidence of a group of boys and start asking riddles oneself to set the ball rolling.[1] Apart from the difficulties of transcription the same is true of folk stories, though in this case an older group will give better results.

The collecting of proverbs however presents some difficulty. They are not commonly on the tongues of young people, neither are they used for amusement or as a pass-time. The ideal way therefore—though it is a very slow one—is to be constantly on the alert for their cropping up in the course of ordinary conversation, when the circumstances in which they are used can also be noted. The ideal place to collect proverbs is in the courtyard, whether ecclesiastical or secular. If proverbs are solicited care must be taken to ask other reliable informants if the proverbs so collected are known to them and recognized as such.

Of the proverbs here presented the majority have been selected from my own collection made during the years 1930-1940; chiefly from Nyanja and Ngoni informants living in the Zomba and Ncheu districts of the Nyasaland Protectorate.[2] Others I have selected from two collections, one made by an Ngoni Native in Ncheu district, and now in the possession of Mr. F. J. Lock of Zomba; and the other made by a Chewa Native from Central Angoniland[3] for Mr. A. T. Lacey, now Director of Education in Kenya. I take this opportunity to thank Mr. Lock and Mr. Lacey for their kindness in allowing me to make use of their collections.

(2) FORM AND STRUCTURE:

The proverbs themselves are of three distinct types:

(a) Proverbs in which no metaphor is used, and no attempt is made to conceal the meaning; e.g. *Kupatsa ndiko kuika.*—Giving away is putting on one side. c.f. the English proverb, "Waste not, want not."

(b) Proverbs containing metaphors, and in which the meaning is not so obvious to the uninitiated. The majority of Nyanja proverbs take this form; e.g. *Fodya ndi yemwe ali pa mphuno.*—Snuff (*lit.* tobacco) is that which is at the nose.

[1] See my article on "Some Riddles of the Nyanja People", *Bantu Studies* Dec. 1939. pp. 253-254 for method of asking riddles.

[2] Ibid. pp. 252-253 and footnotes, for more detailed account of the people living in these districts.

[3] A branch of the Nyanja people known as the *Amalawi* moved from the west of the Shire in a northerly direction to the western shores of Lake Nyasa. "Finding the coastal strip too narrow for their increasing population they ascended the plateau into what afterwards became known as the Central Angoniland district. By this time they had assumed the names of *Achipeta* and *Achewa*". See *A Handbook of Nyasaland*, by S. S. Murray 1932, pp. 67-68.

c.f. the English proverb, "A bird in the hand's worth two in the bush."

(c) Proverbs which depend entirely for their meaning on some underlying *nthanu* or *ntanti* (folk-tale or custom); e.g. *Cisoni cinapha nkhwali.*— Pity killed the francolin.[4] c.f. "Sour grapes" based on Aesop's Fable.

This proverb is based on the following folk-story :—

Moto unali kupsya, ndipo nsato inali pa ntengopo ndipo inaona nkhwali iri kuuluka, inati 'nditenge uluke nane,' ndipo nkhwali inatenga nsatoyo nailuka nayo. Inafika kwabwino nkhwali inati 'zipita ulendo wanu,' koma nsatoyo inati 'ine ndiri ndi njala ndidya iwe' naidya nkhwaliyo.

A bush fire was burning, and the python was in the bush (surrounded by fire, or wishing to cross over a river,—various versions are given), and he saw a francolin flying over. The python said, "take me and fly with me," and the francolin took the python and flew with him. When she arrived at a place of safety the francolin said, "continue your journey", but the python said, "I am hungry I shall eat you" and he ate the francolin.

Nyanja proverbs, like those of other Bantu tribes, contain many words which are not in common use, and many archaic expressions and grammatical forms. In addition to these difficulties the study of Nyanja proverbs is complicated by the splitting up of the tribe into three main sections by the Yao and Ngoni tribes and the infiltration of large numbers of Lomwe from Portuguese East Africa.[5] This intertribal contact has led to the borrowing of Yao, Ngoni, and Lomwe terms, and, I suspect, the translation into the Nyanja language (now the *lingua franca* throughout the Southern Province of Nyasaland) of proverbs originally belonging to these other tribes.

Another source of confusion—to the European enquirer and the unlearned Nyanja, though not to the cognoscenti—is the deliberate mis-statement which is often found, just to make it harder apparently! "*Apotoza dala*" or "*angophiphiritsa dala*"—"they twist them deliberately," or "they just speak by opposites or euphemistically on purpose"—say my informants. The intention seems to be esoteric, in order that those in the know, generally the older people, shall understand whilst others do not. In some cases too, although the proverbs are remembered, the folk-lore and customs lying behind the proverbs are being forgotten by the younger generation. Another peculiarity found in these proverbs,[6] is the repeated use of the diminutive prefixes *ka-* (s.) and *ti-* (pl.) where the thing or person denoted is not necessarily small.

(3) TERMINOLOGY :

Riddles, proverbs, witty sayings, customs handed down, traditional songs, and folk stories do not appear to have been clearly differentiated in the minds of the Nyanja people, as the terms used to denote these are loosely and vaguely used with varying connotation. This confusion may be due to the admixture of tribes and languages or merely to the fact that the Nyanja are not of an analytical turn of mind. This confusion is reflected in the dictionaries and grammars of the language, as the following example will show.

One of the terms used to denote a proverb by the Nyanja on the Palombe plain is *mwambi* (pl. *miyambi*). On looking up this word one finds the following definitions :—

> Scott's *Mang'anja Dictionary :* "A story, a custom, a guess, tradition, true narrative, instruction." After these definitions Scott gives

[4] The Red-necked francolin (*Pternistes afer leucopa-raeus*). The francolins are small pheasant-like birds.

[5] "The Nyanja tribe originally consisted of several divisions, the Mang'anja on the Lower Shire, the Ambo, Antumba, Ampotola, Amaravi, who lived in the country round the south end of the lake (Nyasa), the Nyanja proper who lived on the shores of the lake, in the Shire Highlands and around Lake Shirwa and Mount Mlanje, together with the Achewa and Achipeta who inhabited what is now known as Central Angoniland." (S. S. Murray, in *A Handbook of Nyasaland* (1932, pp. 79-80.) The *Achewa* and *Achipeta* are one and the same people, the latter term being a derogatory one given to the Chewa by the Ngoni from their word *chipeta* meaning 'the bush' or 'a place where long grass grows', thus *Achipeta*=the people who live in the bush.

[6] This is found too in Nyanja riddles. See my article on "Some Riddles of the Nyanja People", *Bantu Studies*, Vol. XIII, No. 4, pp. 251-291. Compare Mr. G. Nakene's article on "Tlokwa Riddles", *African Studies*, Vol. 2, No. 3; September 1943, pp. 127-128.

a few riddles headed, "Some Riddles, *mwambi*." These are followed by a few proverbs headed, "Some Proverbs, *ntanu* or *mwambi*."

Scott and Hetherwick's *Dictionary of the Nyanja Language :* Hetherwick follows Scott, but amongst other synonyms for *mwambi* he includes *mwambi* itself, giving the definitions "a guess, a short story." Under the term *mwambo* (pl. *miyambo*), instruction, narration of customs etc., Hetherwick says, "*mwambi ndi kungophiphiritsa*", i.e. *mwambi* is just to confuse.

Sanderson and Bithrey's *An Introduction to Chinyanja :* "A story, a riddle, a proverb." In the English-Chinyanja section of the Vocabulary, however, the word for proverb is given as *ntanti*.

Hetherwick's "*Manual of the Nyanja Language*" has *mwambi*, a custom.

The following is a list of terms which are used to denote proverbs, and a few other cognate terms :

1. *Mwambo* (*miyambo*). This is, perhaps the most widely-used term. It is applied to all types of traditional wisdom. Customs, rites, proverbs, riddles, stories, and songs are all called *miyambo*. The term is also used for the instruction of wisdom, the narration of customs and traditions. *Kulanga mwambo* is to teach or instruct. *Amace ali kumuuza iye mwambo* means, "Her mother is teaching her her duties (or responsibilities)." Solomon's Proverbs are called *miyambo*.

2. *Mwambi* (*miyambi*). This term, which I have mentioned above, has a less wide connotation. It is commonly used when speaking of proverbs, but is also used when speaking of many types of folk-lore.

3. *Nthanthi* or *ntanti* (s. and pl.). This term is the one Sanderson and Bithrey give. It is the one most commonly used amongst the Nyanja I know. It is also used for a folk story of the type upon which many of the proverbs are based.

Hetherwick says that whilst "*mwambi* is true and of long ago, *ntanti* is not necessarily true." The verb *kutanta* means to straighten out, to stretch across, and is used of anything without bends or turnings. The word *ntanti* might therefore be used to differentiate between this straightforward type of story without interruptions, and *nthanu*.

4. *Nthanu* (s. and pl.). This term is generally used to denote a story punctuated by sung choruses, but it is also used for narrated custom and for proverbs. Though all the dictionaries give *nthanu*, the pronunciation *nthano* is often heard.

5. *Cisimo* (*zisimo*). I have never heard this term used with reference to folk-lore, but a Chewa informant uses it in the written introduction to a collection of proverbs, a translation of which will be found in section 6 of this Introduction. Amongst other wider meanings Hetherwick gives "nature, manner, custom, proverb." I have heard school teachers use the term in taking drill, with the meaning of "an exercise."

Other cognate words are :—

6. *Nkhani :* a narrative, a story or speech, news.
7. *Luso :* wisdom, cleverness, experience.
8. *Lunta :* wisdom, wit, sense, understanding.
9. *Ndota :* wisdom (of an oracular character), instinct, guessing, divination.

(4) CLASSIFICATION :

Though no method of classification of proverbs appears entirely satisfactory, I have, for the sake of convenience of reference, attempted a rough classification according to the particular moral value commented upon, the lesson taught, or the rule of conduct inculcated in each proverb.

I might add here that in collecting some 400 proverbs I have not come across one which mentions the name of God, though there is an oblique reference in Proverb No. 4, Section II, Subsection 5.

The following are the divisions used :

I. CASES AT COURT.

II. VIRTUES AND VICES.

1. Patience and Impatience.
2. Humility and Pride.
3. Conceit.
4. Gratitude and Unselfishness.
5. Greed.
6. Envy.

7. Hypocrisy.
8. Incestuous Desire.

III. WISDOM, EXPERIENCE, CUNNING OBSTINACY, AND FOOLISHNESS.

IV. PRUDENCE, CAUTION, COWARDICE, AND SHAME.

V. FRIENDSHIP—TRUE AND FALSE.

VI. VILLAGE LIFE AND CUSTOMS.

1. Co-operative Effort.
2. Family Solidarity and Domestic Life.
3. Good Manners.
4. Scandal and Gossip.

VII. MISCELLANEOUS APHORISMS.

1. Preparedness, Promptitude, and Procrastination.
2. Luck and Fatalism:
3. Riches and Poverty, Hunger and Plenty.
4. Opportunism.
5. Various Precepts.

(5) ARRANGEMENT:

I have arranged the proverbs in the following order:

(1) The proverb in Nyanja as originally told to me or written down for me, followed by a translation in English. The translations are literal except where the meaning would be obscured by a literal translation.

(2) The source of the proverb. The proverbs from Lacey's and Lock's collections have only been used after being checked from Nyanja or Ngoni sources.

(3) Brief notes have been added where the meaning of the proverb might be missed, and where some custom or folk-story lies behind the proverb. I have also referred in the notes to variant forms as used by different sections of the tribe, and have given similar proverbs in use amongst other African tribes. Unusual grammatical constructions and words not in common use have been noted.

(6) THE USE AND VALUE OF PROVERBS:

The Bantu is a zealous litigant, and, as I have already mentioned, the courtyard is the place *par excellence* for the use of proverbial wit and wisdom. There particularly, "the man who can quote has a distinct advantage over one who can only argue. An ancient proverb has peculiar force for a conservative and past-reverencing people, and a proverb is often accepted as a conclusive summing up in a discussion."[7]

The courtyard, however, is by no means the only place where Nyanja proverbs are still heard. They are used fairly frequently in ordinary everyday conversation and discussion by the older age group, but much less frequently by the younger people, who are only acquainted with a few of the commoner proverbs.

Speaking of the proverb at the level of European culture in the middle ages, Tylor says "they have indeed a vast importance in popular education, but their period of actual growth seems already at an end,"[8] Amongst the Nyanja people their educational value is still in evidence. Even in schools run on European lines some use is still made of proverbs to drive home a lesson, whilst in Christian education proverbs are often used in sermons.

To the student of the language or customs of a Bantu people proverbs are of obvious value, for they not only preserve many uncommon words and important grammatical and syntactical constructions, but also many customs, folk-stories and beliefs, of interest to the anthropologist. Even at the risk of being considered paroemiomaniacs much attention should be paid to this great mass of oral literature by everyone who wishes to attain to a more than cursory knowledge and understanding of the language and mental make-up of any Bantu tribe. A knowledge of proverbs and their appropriate use not only marks the competent speaker but also secures an entrée into the confidence of those who have inherited the proverbs.

In "War and Peace" Tolstoy speaking of Platon Karataev's use of proverbs, says, "The proverbial sayings of which his talk was full, were

[7] See the Introduction, written by Hugh Clifford, to "Ashanti Proverbs—The Primitive Ethics of a Savage People." By R. S. Rattray. Oxford 1916.
[8] See "Primitive Culture" By E. B. Tylor. p. 89 vol. I, 4th. edition.

. . . . . those peasant saws which seem of so little meaning looked at separately, and gain all at once a significance of profound wisdom when uttered appropriately." This is very true. Many of these Nyanja proverbs, translated into English and torn from their contexts, lose much of their power, and may often appear banal and meaningless. To obviate this as much as possible, I have, where the point seems vague, given either context or underlying folk-story or custom.

To illustrate the Nyanja's own idea of his proverbs, I give below a translation of a short introduction to a collection of proverbs written by a Chewa informant.

" *Nyasaland's Ancient Wisdom.*"

" Long ago each tribe had its own varied ways and sayings. Some things were narrated by grown-ups, others again by their children. They had folk-lore (*nthanthi*) and proverbs (*miyambi*) of different kinds with their varied teaching. Some proverbs were spoken at lawsuits in metaphors (*mophiphiritsa*) but with very pointed meaning, so that people understood what was said. Others were to give instruction regarding the people's manner of life, concerning citizenship, the family, diseases, death, and so on.

" Much of their learning was associated with[9] relevant proverbs. Though they could not read or write, yet they just remembered these sayings by continued repetition as occasion arose (*malinga ndi kanthu kace koonekera*). In these days these proverbs are only occasionally heard on the lips of the people.

" Many children of the present day do not know these proverbs because they were not written down ; our ancestors just handed them down by narrating them to each generation until the present time. Because of this many of them have been lost (lit. have ' died ') in the process of transmission, not having been remembered owing to the difficulty of bearing them in mind.

" We shall try to bring together proverbs which are well known by many people, so that our children's children may not forget the wisdom conceived long ago by their ancestors, but might find it a foundation for the new wisdom of the present and the future.

" Without a knowledge of ancient proverbs we shall be found to be a people difficult to teach new things because of the lack of the firm footing which our ancestors made for us.

" Some of the proverbs here recorded might even help the present day judges of our land in trying their cases ; others might help teachers in teaching moral lessons ; others might be of assistance to parents in teaching their children. Also they are continually needed by every person when speaking with his fellows, that they might mutually teach each other.

" These proverbs are very varied, some go straight to the point, others use some animal or inanimate object as a symbol. Others are spoken in an abbreviated form but easy to understand. In others the words are seen to be in an abridged form but have reference to quite a long story. The meaning of others is hidden in stories like *nthanu*.[10] When these are explained the sense is easily grasped. Others are considered to be folk-stories and customs (*ngati nthanthi ndi zisimo*).[11]

" To those who might read this collection I would say, I who write am of the present generation (lit. ' at the spear end of the ancestors ') and have only been able to write the things which I have found in my continual blind searching."

(7) BIBLIOGRAPHY :

I know of no book devoted entirely to proverbs in the Nyanja Language. A few proverbs are to be found in the following works :—

(1) *A Cyclopaedic Dictionary of the Mang'anja Language, Spoken in British Central Africa.* 1892. Now out of Print. By the Rev. David Clement Scott.

(2) *Some Folk-Lore, Stories and Songs in Chinyanja.* By R. Sutherland Rattray.

(3) *The Natives of British Central Africa.* 1906. By A. Werner.

[9] The word which I have translated ' associated with ' is *zinakolekedwa*. The verb *kukoleka* = to hang upon a peg, to link on to, as meat upon a stick. It is used of things which are closely connected to each other, one depending on the other in some way.

[10] See Section 3 on Terminology.

[11] See Section 3 on Terminology.

(4) *Chikhalidwe cha Mtima.* A school book on Moral Lessons. Published by the D.R.C Mission, Mkhoma, Nyasaland.

(5) *Mleme*, and *Fulu.* Two school primers in Nyanja. Published by The Hetherwick Press, Church of Scotland, Blantyre, Nyasaland.

I have also referred to the following collections of the proverbs of other African tribes :--

(1) *The Ila Speaking Peoples of Northern Rhodesia.* Vol. II, ch. 27, pp. 311-324. 1920. By Edwin W. Smith and A. Murray Dale.

(2) *Ashanti Proverbs—The Primitive Ethics of a Savage People.* 1916. By R. S. Rattray.

(3) *Efik Proverbs.* An unpublished collection in the possession of Mr. C. P. Groves of Kingsmead, Selly Oak, late missionary in Nigeria.

(4) *Hausa Sayings and Folk-Lore.* pp. 9-34. 1912. By R. Fletcher.

(5) *The Life of a South African Tribe.* 2nd Ed. 1927. By H. A. Junod.

Other books I have consulted are as follows :—

(1) *Dictionary of the Nyanja Language.* 1929. By D. C. Scott and Alexander Hetherwick. This is an enlarged edition of the Dictionary by Scott mentioned above.

(2) *A Practical Manual of the Nyanja Language.* 7th Ed. 1926. By the Rev. Alexander Hetherwick.

(3) *An Introduction to Chinyanja.* 1925. By M. Sanderson and W. B. Bithrey.

(4) *A Handbook of the Yao Language.* 1889. By the Rev. Alexander Hetherwick.

(5) *The Elements of Nyanja.* 1943. By Thomas Price.

(8) ORTHOGRAPHICAL NOTES :

The people whose proverbs are recorded here call themselves *Anyanja* (i.e. the Nyanja people, or the people of the lake) and speak of their language as *Chinyanja* (or *ciNyanja*). In English context we omit the prefixes and refer both to people and language as Nyanja.

In Nyanja *c* is normally used in place of *ch*, but except in documents written in Nyanja *ch* is retained in the spelling of Proper Nouns.

ng' (with the apostrophe) is phonetic *ŋ*, and *ng* without the apostrophe) phonetic *ŋg*.

ph and *th* are aspirated consonants and are not pronounced as in the English words "phase", "the" and "thought".

Other orthographical notes are to be found in the body of the article, particularly in the notes under proverb No. 4, Section I.

I. CASES AT COURT

1. *Proverb : Cipititsira m'ngunda.*

It has been passed through the *camba* (Indian hemp) pipe.

Source : Nyanja. Zomba District.

Notes : cipititsira, lit. that which is made to pass through. The *ngunda* is a pipe made on the same principle as the hookah. It is made of bamboo about 1½ inches in diameter. The main tube is 12 to 18 inches in length, and is cut just below the solid node. A *bango* reed a few inches long is inserted about three inches from the node, and a bowl-piece made of clay is attached to the reed. Water is poured into the main tube and the smoke is drawn through the water. The proverb is used when anyone (especially in *milandu*, lawsuits or quarrels) deliberately uses misleading language or unnecessary circumlocution.

2. *Proverb : Kumene kwafuwa maungu nkhuni ziriko.*

(Even) where the pumpkin has been only partially cooked there is firewood.

Source : Nyanja. Zomba District.

Notes : I had been criticising the teaching given at a catechumen class, basing my criticism on the faulty replies the members of the class had given. The elder responsible for teaching the class used this proverb in his defence. Another informant in explaining the proverb said, though the fire is sufficient, if there should be a wind, part of the pumpkin would be undercooked. The proverb is used of people who having had a case tried, go and repeat the offence. It is said that though they have plenty of advisors they do not profit by what they are told.

3. *Proverb : Papita mnjere mpeni upita pompo.*
Where the *mnjere* has gone there goes the knife also.
Source : Nyanja. Zomba District.
Notes : *Mnjere* is the tough outer rind of sugar cane, millet, etc., which is sharp at the edges. A man with a lawsuit should accept the ruling of the chief. If he is not satisfied and appeals to the *Boma* (District Commissioner) and he should uphold the finding of the chief's court, people would use this proverb.

4. *Proverb : Tsiku limodzi halivunda nyama.*
One day doesn't rot the meat.
Source : Nyanja. Namiwawa Bible School. Zomba District.
Notes : When people object to the decision of the court being held over for a day, it is pointed out that meat doesn't rot if it is not cooked the day it is killed. A variant heard among the Ngoni is *Tsiku limodzi silioza mbewa*—One day doesn't rot the mice. The Ila of Northern Rhodesia have *Bushiku bomwi tabubozha muzovu*—One day is not sufficient to rot an elephant. See Smith & Dale. vol. II, p. 319.
Halivunda : The usual negative prefix is *si-* but one often hears—particularly from children and the uneducated Nyanja—a velar fricative *x*. The sound ranges dialectically from *h* to the Greek *x*, and is usually found before *-a*. I am inclined to consider that the negative *s-* is a recent accretion. Hetherwick, however, in his dictionary, suggests that the change is from *s* to *h*, due to the filing or removing of the front teeth, or the wearing of the *phelele* lip-ring.

5. *Proverb : Cetecete sapha nyama, apha nyama ndi suyosuyo.*
"Quietly-quietly" doesn't kill game, (that which) kills game is "there it is ! there it is!"
Source : Ngoni. Gowa School. Ncheu District.
Notes : A Chewa variant is *Cetecete sautsa nyama, autsa koma nkuwani*—Quietly-quietly doesn't raise the game, but rather barking does. It is said that unless those who bring the case tell what it is all about they cannot expect to win the day. As the beaters at a hunt make a noise to drive the game into the net, so those who bring a case must state it. The judge must be quiet and listen ; he is like the guard at the net.

6. *Proverb : Kukana cimbuzi ndi kubvomera mikozo.*
To deny the faeces and acknowledge the urine.
Source : Lock.
Notes : Used in trying cases when someone admits one, and denies another, of two things which by their nature hang together. One Ngoni informant gave this example. "As a man might say, 'I didn't commit adultery, I just pressed the woman to my breast'". A Nyanja informant explained the proverb as follows :—"This means that urine is just water and anyone would acknowledge that he was responsible if asked, because there is no smell and it doesn't make one ashamed. If, on the other hand one should ask 'who has defecated ?' everybody would deny it." This may mean that anyone would admit some small peccadillo but would deny a more serious crime, but it seems to me that it is probably a rationalization due to a recently awakened conscience with regard to the laws of hygiene !

7. *Proverb : Masamba auma.*
The leaves have dried.
Source : Lock.
Notes : *Masamba auma* is a figurative way of saying "a broken promise." For example : When people arrange to hear a case at a certain place, and one party arrives and waits until sun-down and the other party doesn't come, before leaving they pluck leaves from a tree and throw them on the ground in the court yard. If the other party comes afterwards, they would say *masamba auma* (i.e. "we are late,—they have gone.")

8. *Proverb : Mwana mnyanja alimbikira mpani wace.*
The young Nyanja is only troubled about his own skewer (of fish).
Source : Lacey.

Notes : Another proverb with approximately the same meaning is :—*Mpani wa mbewa utsatira mwini*—The skewer of mice follows its owner.

These proverbs are used when people try to make the court's verdict favour their relatives. When people gather round the fire to roast or smoke their sticks of fish or mice, each person sits opposite his own stick, so that he can turn it when necessary and lift it when the fire needs re-fuelling. If a person were sent to re-fuel the fire while the others were elsewhere, he would place his own stick in a nice spot, but the other sticks would be put down anywhere.

Mpani : Kupana (v), to fix between two sticks as a load for carrying, or fish, meat, etc. for roasting ; hence *mpani* (n.), roasting or smoking sticks. The meat is sometimes impaled on one stick, but more generally pinned between two sticks which are bound at the ends. One end of the stick is stuck into the ground with the stick leaning over the fire.

9. *Proverb : Mlendo ndi amene ayenda ndi kalumo kakuthwa.*

It is the stranger who carries the sharp razor.

Source : Lacey. Well known by Ngoni and Nyanja informants.

Notes : The villagers were being shaved for the funeral ceremony, and, being so many, their razor became blunt before they were all shaved. A stranger arriving saw their plight and offered to lend them his razor, which being very sharp, the shaving was completed in a short time. At a court case strangers are often present, and the judge sometimes asks their opinion. If they reply that being strangers they cannot judge, the foregoing proverb is quoted. The above notes are a translation of the explanation given by the Chewa informant. A Nyanja informant's comment is : "When they are shaving for a funeral they use the razor of the owner of the funeral. If a stranger brings his razor, he will have a case brought against him, as it is not his corpse."

Kalumo kakuthwa : The *ka-* is the diminutive prefix which is often used in proverbs, as also in riddles, although the thing referred to is not necessarily small.

10. *Proverb : Katsikula nkhali ndi katsekera.*

The thing which upsets the porridge-pot is a small piece of *tsekera* grass.

Source : Lacey.

Notes : This is said to people who, when brought before the court—like the unmarried mother who said her baby was only a little one—try to excuse themselves by saying that what they did was only a small thing of no consequence.

Nkhali is an Ngoni word used for the wide-mouthed pot in which porridge is cooked. It stands about 8 ins. high and is about 10 ins. in diameter. The Nyanja call such a pot *nthalo.*

Katsekera : ka- is the diminutive prefix, and *tsekera* a long, thick-stemmed grass, "which grows in large plains in the Chipeta country" (Scott). So far as I know, it is the same grass as that found on the Palombe plain and called *kamphe* by the Nyanja.

11. *Proverb : Watha m'mkamwa m'mimba zikalimo.*

In the mouth it is finished (but) in the stomach there is still something.

Source : Lacey.

Notes : This proverb is used when a case is not settled satisfactorily. The people may seem to accept the ruling of the chief, but in their hearts the case still remains unsettled. A very well-known proverb, and a very common state of affairs !

12. *Proverb : Pawiri sipauzirika.*

Two places cannot be blown on (i.e. by one person at the one tine).

Source : Lacey.

Notes : The usual Nyanja version is *Pawiri kubvuta kupeperera*—Two places are difficult to blow.

Kuuzira and *kupepera* seem to be used synonymously. This is said to people who, in stating a case at law, bring in more than one case.

13. *Proverb : Cagwera pa mfuno.*
It has fallen on the nose.
Source : Lock.
Notes : This refers to anyone who is unable to give evidence or judgment at a case in court, because the matter too closely affects himself or members of his family. A variant form is as follows : *Zikagwera pa mfuno sizidyeka*—If things fall on the nose they cannot be eaten.
Mfuno, nose : This is the usual spelling and pronunciation found amongst the Ngoni, but *mphuno* is the Nyanja term.
There is a number of similar proverbs with the same meaning : (1) *Cakhala pa mubvi*—It has settled on the arrow (Lock). (2) *Cagwa pa mtutu*—It has fallen on the barrel (of the gun) (Lock). (3) *Khoswe akakhala pa mkhate saphereka*—If the rat sits on the bowl it cannot be killed (Lacey).
Mkhate is a small earthern-ware pot about 6 ins. in height, 5 ins. in diameter at the rim, and 6 ins. diameter at the widest part of the body. It is used chiefly to heat water in which to wash the hands and face. There is a bigger *mkhate* about a foot high which is used when the whole body is being washed.

14. *Proverb : Ukamuka ku thengo usamakhula ndi canzi ungaonjezere kununkha.*
When you go to the bush do not wipe yourself with *canzi* leaves, lest you add to the smell.
Source : Lacey.
Notes : Canzi or *cansi*, is an unpleasant-smelling shrub, the flowers of which are white, the leaves small and rough, Vitex buchanani (Verbenaceae).

15. *Proverb : Garu wamkota sakandira pa cabe.*
An old dog does not dig where there is nothing.
Source : Lacey.
Notes : At the hunt young dogs may dig at empty burrows ; old dogs know which are occupied.
Wamkota is an Ngoni term for a bitch which has littered. The Nyanja term is *cembere*.

16. *Proverb : Ucoka m'ukonde ndi kuleza.*
It is patience which gets you out of the net.
Source : Lacey.
Notes : When one is caught in a game-net, struggling gets one more entangled. It is best to unfasten oneself patiently. In the same way, when one has been brought to court, telling lies only makes matters worse. Compare proverb No. 7, section II.

17. *Proverb : Mlandu sagula ndi ciko ca mowa.*
They do not buy the case with a calabash of beer.
Source : Nyanja.
Notes : One informant said by way of comment, *Ayenera kuweruza molunjika*—They should judge righteously.

18. *Proverb : Kampango woyera kumimba.*
The *kampango* fish is white on the belly.
Source : Lock.
Notes : One informant says, " This is to say, I have nothing against a person." The majority of my informants do not know this proverb. One or two say that it is a formula used when lots are cast without positive results : *Anaombeza maula osapeza kanthu kocimwa.*

19. *Proverb : Kwagwa mtengo sikuzimirai.*
Where a tree has fallen you cannot hide it.
Source : Rattray : " Some Folk-Lore, Stories and Songs in Chinyanja."
Notes : I am indebted to Mr. C. P. Groves of Kingsmead, Selly Oak, for a similar Efik proverb : *Se ikpade ke enyon okpo eyesim ison* —The carcase of that which dies in the sky will reach the earth.

20. *Proverb : Padziwa ndi pansi kuti mwana wa mfuko akudwala.*
Only the ground knows that the child of the mole is ill.
Source : Lacey.
Notes : Another proverb with the same meaning : *M'mtima mwa mwini ndi m'thumba*—(That which is) in a person's heart is in a bag. When one is falsely accused and one's denial is not believed, this proverb is used. The others can only form an opinion but the person concerned knows the truth. Ngoni informants say that if anyone, other than the person directly concerned in a case, began to speak for the defence, this proverb would be

used that the owner (of the case) might speak for himself. There are no official pleaders in court cases amongst the Nyanja.

Mfuko, a mole, is the Ngoni term. The Nyanja say *namfuko*.

21. *Proverb : Mayankhayankha a pa bwalo anatalikitsa sakwi mlomo.*

Continual riposte at the courtyard made the ant-eater's nose long.

Source : Kokola.[12]

Notes : Mayankhayankha : kuyankha, to reply. Reduplication of syllables here gives the idea of repetition or continued action. My informant said, "Always speaking at the courtyard will make many enemies and bring many court cases."

II. VIRTUES AND VICES

(1) PATIENCE AND IMPATIENCE:

1. *Proverb : M'mphuno imodzi simungathe kulowa zala ziwiri.*

Into one nostril it is not possible for two fingers to enter. (i.e. One thing at a time. Don't be impatient.)

Source : Lomwe. (See footnote to Proverb No. 21, Section I)

Notes : My informant gave me *Mphuno*, nose or nostril. This, I think should be *M'mphuno*, in the nose or nostril, to agree with *simungathe*.

2. *Proverb : Pang'ono-pang'ono kambe anafika ku Ciwambo.*

Little by little the tortoise arrived at the Indian Ocean.

Source : Nyanja.

Notes : Ciwambo seems to refer in a general way to the east coast, Zanzibar, Dar-es-salaam, etc. One informant from Portuguese East Africa says that it originally referred to the language of the Natives on the east coast which was called *Ci-Wambo*, the language of the Wambo people.

3. *Proverb : Tsokonombwe anatha dziko ndi kulumpha.*

The *tsokonombwe* finished the earth by jumping.

Source : Lock.

Notes : The *tsokonombwe* is a small cricket-like insect with a large hairless abdomen. It takes very short jumps and only covers the ground very slowly. The meaning is, of course, the same as that of the previous proverb.

4. *Proverb : Kuona maso a nkhono ukadekha.*

If you are quiet you will see the eyes of the snail (i.e. "Softly softly, catchee monkey.")

Source : Unrecorded; but its use is widespread. It is quoted by A. Werner in "The Natives of British Central Africa."

Notes : Another version I have heard is *Ukacenjeretsa siuona maso a nkhono*—if you scare it, you will not see the eyes of the snail.

5. *Proverb : Mpotepote poyamba, potsiriza cingwe.*

To begin with, Twist! twist! at the finish, String!

Source : "*Cikhalidwe ca Mtima*", a school book on Moral Lessons published by the Dutch Reformed Church Mission, Mkhoma.

Notes : String is made by hand from various fibres by twisting two or more strands together between the palm of the hand and the fleshy part of the leg above the knee. The downward movement puts the twist into the individual strands and the upward movement twists the strands together. It is a slow, tedious job.

6. *Proverb : Kumletsa garu ndi kukumba.*

To hinder the dog is to dig.

Source : Nyanja.

Notes : The above is the Nyanja form. The Ngoni form is *Kutsutsa garu ndi kukumba*—To rebuke the dog is to dig. Both forms seem to mean that when the dog has pointed out a hole, only after digging and finding

[12] *Kokola.* The Kokola people must not be confused with the "Makololo." They came orginally from the neighbourhood of Quelimane. They have settled chiefly in the southern part of the Protectorate from Lake Shirwa to Chiromo, round Lake Chiuta and as far west as Chiradzulu and Malabvi near Blantyre. See "The Handbook of Nyasaland" 1932 Edition. pp. 64, 95. The Kokola are one of a number of tribes who at the beginning of the present century moved into Nyasaland from Portuguese East Africa, and who are generally classed together. They are called *Anguru* by other tribes but speak of themselves as *Alomwe*.

there is no game there should you rebuke the dog, or pull it away from the hole.

7. *Proverb : Nguluwe analira msampha utaning'a.*

The wild pig squealed when the trap was about to break.

Source : Lock.

Notes : Utaning'a : The verb *kuning'a* is used primarily of anything which is narrow in the middle, e.g. a wasp, or a waist ; and thus comes to be used for a string which is worn thin and weakened in one place.

The idea is that had the pig struggled a little longer it would have freed itself. It took fright and squealed, however, and the people who had set the trap heard it, came running, and killed it.

8. *Proverb : Tamangira kuotha anasiya moto nuaka.*

Mr. Run-to-get-warm left the fire as it was beginning to blaze.

Source : Nyanja.

Notes : The self-assertive and impatient person who pushes himself forward gets the smoke. When he has gone off piqued, the fire begins to burn brightly, and the more retiring who sat behind come into their own.

9. *Proverb : Ndinatha ngombo ndi akamundi kuli acanga ndisanafike.*

I used up my throwing sticks on small game, where there was bigger game before I came (and would have come again if I had waited).

Source : Yao. I am indebted to Mr. T. Price, author of " Elements of Nyanja " for the suggestion that the important words which make sense of the proverb are " taken as read ".

Notes : My informant said by way of explanation, " I signed on for low wages ; had I waited a little I could have got more."

Akamundi, pl. of *kamundi*, a small type of lemur.

Acanga, pl. of *canga*, a larger type of lemur.

(2) HUMILITY AND PRIDE :

10. *Proverb : Phiri siliyendera nyani, koma nyani ndiye ayendera phiri.*

The mountain does not go to the baboon, but the baboon goes to the mountain.

Source : Nyanja.

11. *Proverb : Umalinga uli iwe.*

You should think " it is you ".

Source : Ngoni.

Notes : My informant added by way of explanation, " If a person has sinned you should not condemn him, saying ' Wicked ! ' but think, ' I might have done the same ! ' ". " People who live in glass houses should not throw stones." Compare John Bradford's famous words, " There, but for the grace of God, goes John Bradford." The Nyanja form of the proverb is *Nanga uli iwe ?*—What if it had been you ?

12. *Proverb : Mwana wa mfulu ndi mbatata, ukaongola watyola.*

The child of the freeman is a potato, should you straighten it it breaks.

Source : Lacey.

Notes : The potato referred to is, of course, the sweet-potato which often grows long and twisted. A free-born child is often proud, self-willed and unruly, and will not take advice. The Ila have *Mulonga owatakazholwa wakwata makobo*—A river that would not be straightened has bends in it. (Smith & Dale, Vol II, p. 322.)

13. *Proverb : Dama nkumeta, mphini ndi cironda.*

Pride is to shave ; a keloid is a wound.

Source : Ngoni.

Notes : My informant said that this proverb has no wider application, but is only used when a person has a sore from trying to improve his or her appearance by cicatrization.

14. *Proverb : Mwana wa mfumu adaotha utace.*

The chief's son burnt his bow.

Source : Nyanja from P.E.A. east of Lake Shirwa.

Notes : The young men are on a hunting trip. On camping all the men gather a little wood, except the chief's son who is too proud. The others refuse to allow him to approach the fire so he takes his bow and breaks it and

throws it on the fire, thus earning his right to a place. A similar proverb is: *Udaotha cikhomo ca ukonde*—You burnt the stake of the hunting (or fishing) net. The proud person who refuses to collect firewood has no share of the cooked food. Later when he is hungry and there is no firewood left he pulls out the wooden stakes belonging to his net and burns them. The fact that the collecting of firewood is normally women's work probably adds point to these proverbs.

15. *Proverb: Kufunsa ndiko kufika kutari.*
To ask is to go far.
Source: Lacey.
Notes: A person must not be too proud to ask if he wishes to learn.

16. *Proverb: Tambala akabvumba akunga msoti.*
When the cock gets wet it looks like a pullet.
Source: Lock.
Notes: Others say *Tambala akabvumba kulibe malonda*—When the cock gets wet there is no sale. Without the fine feathers it is difficult to tell who is of importance. One Nyanja informant said, "When a man is at home he acts with independence and pride, but away from home he is out of his depth and more humble, and does not give himself airs. (See also proverb no. 9. Section VI.) *Msoti*, pl. *misoti*, a female animal or bird which has not begun to bear young or lay eggs.

(3) CONCEIT:

17. *Proverb: Cenjere! Cenjere! anapsya ndi phala logona.*
Be careful! Be careful! he burnt himself with left-over gruel.
Source: Nyanja.
Notes: The idea is that people warn the conceited fool but he takes no notice. The gruel which has been standing has a cold crust but underneath it is still hot. The proverb is also used in lawsuits when someone is eager to talk. His foolish talk gets him into "hot water." A Nyanja informant says, "If the European calls 'hey, you,' the foolish one runs to answer without waiting to see who was called, and gets saddled with a heavy load."
Logona: The verb *kugona* means primarily to lie down or to sleep, thus it comes to be used of anything which has been left over, or left undisturbed for a while.

18. *Proverb: Anditame anapula mtembo waeni ace.*
Mr. Let-them-praise-me slit open the corpse belonging to others.
Source: Lock.
Notes: The mourners were sewing up the corpse in a mat preparatory to burial when the conceited person came and said he would show them how it should be done. He slit open the stomach of the corpse!

19. *Proverb: Ndikanakhala ine anathawitsa anyani a mwini wace.*
Mr. Had-it-been-I caused the baboons belonging to someone else to escape.
Source: Lock.
Notes: This proverb is used of one who, thinking much of himself, gives bad advice, which when followed leads to calamity.

20. *Proverb: Muonele ine adankha ndi ng'ona.*
"Watch-me" was carried off by a crocodile.
Source: Lacey.
Notes: Cf. proverb 12 Section III. A company of travellers came to a river. One said "Let's wait for a boat." Another said, "Watch me", and dived into the river to swim across. He was hardly in the water when he was taken by a crocodile.

These proverbs about pride and conceit gradually merge into others dealing with headstrong people and fools. These will be found under Section III.

(4) GRATITUDE AND UNSELFISHNESS:

21. *Proverb: Ukapha mwiri loza mphanda.*
If you should kill a wild cat show it to the lair.
Source: Nyanja.
Notes: The idea is that the lair helps the hunter to find the wild cat. By showing the cat to the lair he expresses his gratitude. My informant said by way of explanation, "If your fellow does you a kindness, you too

should do him one." "Credit where credit is due," is perhaps our nearest proverb.

22. *Proverb : Mlamwako ndi likongwe, akalowa phanga, koma kumtsekera ndi masamba.*

Your friend is a ferret, if he should go to earth shut him up with leaves.

Source : Nyanja.

Notes : My informant expanded the proverb by saying, "If your friend or relative sins against you, you should forgive him." Though this proverb is well known my informants found it very difficult to explain the meaning. One gave the example of Joseph and his brethren. They wished to kill Joseph, but Reuben said he should be put in the pit—intending to release him by night. Another said that "if you shut the hole with a stone the ferret would die there, but if you shut it with leaves he could come out again when the leaves wither. I take this to mean that though you appear to be justly chiding your relative, you at the same time are really helping him. The proverb is used by a friend or relative who is wanting you to help him with a gift or with work, or to accompany him to a lawsuit. To agree to help him out of his trouble is to shut him up with leaves. To refuse is to shut him up with stones.

Mlamwako is a contraction of *mlamu wako*, your brother or sister-in-law, or more loosely a close friend.

Likongwe, a weasel or ferret.

23. *Proverb : Ndebvu ya mzako ikapsya umzimire.*

If your neighbour's beard catches fire quench it for him.

Source : A Werner. "The Natives of British Central Africa" (1906) p. 213. The proverb is widely used.

Notes : "As ye would that men should do to you, do ye also to them likewise."

24. *Proverb : Ukapanda tsitsi usabise lumo.*

Should you be without hair don't hide your razor.

Source : Yao.

Notes : Another version has *Ukakalamba usabise lumo*—When you are old do not hide your razor (Lacey). If you have any special learning or wisdom that would benefit your fellows do not keep it to yourself. Do not be "Dog in the manger."

25. *Proverb : Ukaona mtanda kukula ndipo ukuti "ndimlere mwanawanuyu".*

When you see a large helping of *nsima* porridge you say, "let me nurse your child."

Source : Lacey.

Notes : Said of people who only do a good turn when they think that they will gain something by it.

(5) GREED :

26. *Proverb : Ndicite bwino ngondwa anafa.*

I shall do well when the *ngondwa* lizard is dead.

Source : Yao.

Notes : The story lying behind the proverb is found in "*Fulu*" a Reading Primer published by the Hetherwick Press, Blantyre. The story goes that some people were cooking and had no salt. Their elder came and tasted the food and found it quite tasty with salt. When questioned they all denied having put salt into the pot. The elder set a watchman, and on another occasion he saw the *ngondwa* lizard come down the tree under which the cooking was done and put salt in the pot. So the elder killed the lizard to get the salt, and of course, failed to find any.

Don't kill the goose that lays the golden eggs.

27. *Proverb : Ukapeza nyamu zirikuuluka, ima pa mbali uzitola imodzi imodzi, upeza zadzala nsengwa, koma ukaikapo dzanja udzatola imodzi yokha.*

If you find the flying ants are flying (i.e. leaving their nest) stand at the side and pick them up one by one and you will fill a basket, but if you put in your hand (to grab a lot at once) you will only get one.

Source : Yao.

Notes : The meaning is the same as the last proverb.

Nyamu, which is not found in the dictionaries, is a species of flying ant. At the time of the early rains these ants begin to issue from small holes in the ground above the nest. If disturbed they cease to come out.

28. *Proverb : Ici cakoma, ici cakoma, pusi anagwa cagada.*

This is good, this is good, the monkey fell over on his back.

Source : Nyanja. Quoted in "*Mleme*", a Church of Scotland Reading Primer, published by The Hetherwick Press.

Notes : The idea seems to be that the monkey, sitting in a tree, reaches out for fruit first with one paw then the other. He is not content with one fruit at a time and thus falls out of the tree. "This is good and this *also* is good" is to be understood.

29. *Proverb : Kudya kudamanitsa bvimvi mapiko.*

Eating caused wings to be begrudged to the *bvimvi*.

Source : Nyanja. Quoted in "*Cikhalidwe ca Mtima*" a book of Moral Lessons published by the Dutch Reformed Church Mission at Mkhoma. Also in "*Fulu*" a Reading Primer published by the Hetherwick Press.

Notes : Hetherwick's Dictionary, p. 22, gives another form of the proverb : *Kudia kudaletsa mbvimbvi makupe*—Food (or eating) kept the *bvimbvi* from getting its wings.

Bvimvi is a fat, repulsive insect of the cricket family. The name is variously spelled. The Ngoni name is *nalimbvimbvi*. When wings were being distributed at the creation the *bvimbvi* was late, having delayed to eat food. By the time he arrived the wings were finished!

Mapiko and *makupe*, plurals of *piko* and *kupe*. *Piko* is the general term for wings. *Kupe* is more often used for insect wings.

(6) ENVY :

30. *Proverb : Dzamwini sakulila cende* (= *Sakulila cende ndi dzamwini*).

They don't make their testicles big with that which belongs to another.

Source : Lock.

Notes : The younger people say *Dzamwini sakulila mwendo*, substituting "leg" for "testicles", which seems to me to be an attempt to conform to more recent standards of propriety. The Nyanja used to think that a man with large testicles was "a man's man", fitting to be a ruler or chief. The proverb therefore seems to mean "don't try to become influential by appropriating other people's belonging."

(7) HYPOCRISY :

31. *Proverb : Makomakoma a nkuyu mkati muli nyerere.*

The goodness of figs, inside there are black ants.

Source : Lomwe.

Notes : Spoken of a person whose fine words cloak evil intentions. "Fine words butter no parsnips." Nos. 28 and 29 along with this proverb are perhaps the most widely known and quoted of all.

(8) INCESTUOUS DESIRE :

32. *Proverb : Ntsungwi ya ntowa osasirira.*

Don't desire the immature bamboo.

Source : Nyanja.

Notes : This is a periphrastic way of saying "Don't desire your sister." *Ntowa :* this word is not to be found in the Nyanja Dictionaries, but my Nyanja informants assure me that it is a true Nyanja word. Some say *mtowa*. The word *mtuwa* with the same meaning is found in the Yao language. It refers to a tender, green bamboo stalk. The idea is that as the immature bamboo is of no use to you, so too, your sister cannot be used sexually by you. The Tlokwa express a similar idea in the form of a riddle.[13] *Lehlakana xo têka-têka lea nkxahla nka se le rêmê —Matswêlê a kxaitsedi.* A tapering reed attracts me, but I cannot cut it—Sister's breasts.

III. WISDOM, EXPERIENCE, CUNNING, OBSTINACY, AND FOOLISHNESS

(1) WISDOM :

1. *Proverb : Wolanga mwambo sacita.*

The teacher of wisdom does not do it (i.e. does not carry out his own precepts).

[13] See an article by Mr G. Nakene on "Tlokwa Riddles" in *African Studies* Vol. 2 No. 3: September 1943. Riddle No. 18, p. 134.

Source : Lock.

Notes : *Wolanga mwambo* is a descriptive title for the *nankhungwi*, the teacher at puberty ceremonies.

2. *Proverb : Kupulumukira m'kamwa mwa mbuzi.*

To escape by the goat's mouth.

Source : Lacey.

Notes : Two men saw a goat by the wayside and decided to steal it. They were tying a rope to it when the owner approached and asked what they were doing with his goat. With great presence of mind one of the men replied, " We were having an argument as to whether or not a goat has teeth, and were just tying this goat up to look into its mouth to settle the matter."

The Nyanja version of the proverb is *M'kamwa ndi phiri, anapulumukira m'kamwa mbuzi*—" In the mouth " is a mountain, they escaped by the goat's mouth. The mountains were a refuge for the Nyanja people from marauding bands of Ngoni warriors or slave raiders.

(2) EXPERIENCE :

3. *Proverb : Mwana akalira pfupa mninkhe.*

If (your) child cries for a bone give it him (even though he might break his teeth on it).

Source : Nyanja.

4. *Proverb : Pyeri sapita kawiri.*

The burnt one doesn't go again.

Source : The late Rev. J. F. Alexander. Zomba district. From Nyanja.

Notes : *Pyeri* is a noun formed from the verb *kupya*, to burn.

5. *Proverb : Mpheto mwa njobvu sapita kawiri.*

They do not go twice between the elephant's legs.

Source : Lock.

Notes : *Mpheto* should be *M'mpheto* (locative *mu-*, in, abbreviated to *m'*). The word means between the legs, also, the private parts.

6. *Proverb : Cimene cakupundula citsate cikupatsa kongozo.*

Follow that which has crippled you that it might give you a stick (i.e. a crutch to walk with).

Source : Nyanja.

Notes : The meaning is similar to that of our proverb, " You've made your bed—".

(3) CUNNING :

7. *Proverb : Kupha garu wamkota nkubisa mpini.*

To kill the old dog you must hide your stick.

Source : Lacey.

Notes : An old dog is wise and will not come near if you have the stick for killing it with in your hand. You must be patient and quiet if you wish to kill it or even to teach it some new way. " *Mwambi wonenera zakucenjeza munthu kuti akhale wa nzeru ndi wofatsa* "—A proverb spoken to teach a person that he should be wise and humble, says one informant.

Wamkota : See proverb No. 15, section I.

8. *Proverb : Kapota nyanga kalinga kacenjera.*

Twisted horns mean great cunning.

Source : Lacey.

Notes : The explanation given is that if an animal lives long enough to have large twisted horns, it shows that it was very cunning and wise enough to escape from the animals which hunt it. It is said of men with grey hair. This proverb illustrates the Bantu respect for old age for its own sake. Old age is equated with wisdom.

Ka- : One would have expected the prefix *ku-* of the infinitive, but see the note on the particle *ka-* in the paragraph on the structure of proverbs.

9. *Proverb : Nthengu anacitana makani ndi kadzidzi kuti sadya koma nthengu anali nkudya udzudzu kadzidzi anafa picitsa.*

The fork-tailed drongo arranged a contest with the owl not to eat, but the drongo was eating mosquitoes and the owl died on its perch.

Source : Ngoni.

Notes : The fork-tailed drongo and the owl both lived in the same village and could not agree who should be chief. The drongo suggested that the one who could fast longest should be chief. The owl agreed and they both sat on the same tree-stump. When the drongo

saw some small insect flying by he said, " I'll just straighten my back ", and flying out swallowed the insect. The owl didn't realize that the drongo was eating, and after five days died, leaving the drongo chief.

I have not been able to ascertain the usage of the story, for it can hardly be called a proverb in its present form, though all my informants insist that it is a *mwambi*. I include it here for two reasons. Firstly, it shows a story in the process of becoming a proverb of the third type mentioned in my introduction. The last three words, *kadzidzi anafa picitsa*, " the owl died on its tree-stump," would form a typical example of this type of proverb ; and secondly, because of the use of the word *picitsa*. I had failed to translate this term until Mr. T. Price, the author of " Elements of Nyanja " told me that he had once come across *pi-* as an obscure variant of the locative *pa-*, " at " or " on ". As the Ngoni almost invariably says *-tsa* where the Nyanja says *-sa*, the term *pi-citsa* is seen to equal *pa cisa*, on the tree stump.

(4) OBSTINACY :

10. *Proverb : Cakana, cakana, dazi liribe mankhwala.*

Repeatedly refusing (lit. It has refused, it has refused), baldness is without medicine.

Source : The late Rev. J. F. Alexander of Zomba district. From Nyanja informants.

Notes : One who refuses to be taught is like baldness, without cure.

11. *Proverb : Saweruzika anamanga nyumba pa mwala.*

He who would not be instructed built (his) house on a rock.

Source : Lock.

Notes : A certain depth of earth is necessary in the building of the Nyanja type of house, as the poles forming the framework of the walls have to be inserted in holes dug in the earth. Some informants, chiefly Ngoni, say *pa ncenga*, on the sand, but this I suspect is due to the influence of the parabolic saying of Our Lord recorded in the Gospels. It may possibly, however, refer to the dry river bed.

12. *Proverb : Analira kwao ananka ndi madzi.*

He who cried for his home went with the water.

Source : Nyanja.

Notes : People warned their visitor that it was raining heavily in the hills, that the river would shortly be in flood and that he had better stay the night. The visitor wished to get back home to sleep and was drowned in the river. There are a number of variants of which I give two :

(1) *Wacace anapita ndi madzi*—Familiarity went with the water. *Wacace* is literally "of his ". My Ngoni informants, who use this form of the proverb, say that it means a person who is familiar with the water, one who often plays in the water.

(2) *Wolira kwao anadibwa ndi cirombo*—The one crying for his home was eaten by a wild beast (Lock).

13. *Proverb : Nzeru za wekha anabviika nsima pa madzi.*

" Thine own wisdom " steeped the maize-meal porridge at the river.

Source : Lock.

Notes : An old man called a young man to take some sisal to the water to soak. He first hid some maize-meal porridge in the centre of the bundle as the wages for work. The young man, not knowing the custom, took the bundle and threw it in the river together with the porridge.

One would have expected *Nzeru za mwini* or *Nzeru za yekha*, both meaning " His own wisdom ", rather than *Nzeru za wekha*, to agree with the *a-* (3rd per. prefix) in *anabviika*. Another variant is as follows : *Ndinadziwa kale anadya nsima yosipa*—" I already know " ate porridge without sauce (Nyanja). This refers to a person who ate porridge by itself not realising that the relish was hidden in the porridge.

14. *Proverb : Nyama ya liuma inafa ndi ludzu.*

The headstrong animal died of thirst.

Source : Lacey.

Notes : Long ago all the antelopes agreed to

wear horns, so they went to the king who gave out horns. When they arrived the king gave them horns which sloped backwards, but one animal demanded horns which sloped forwards and would not be persuaded otherwise. After some years a drought occurred and the streams and pools dried up until the water was very shallow. The headstrong animal found that his forward-sloping horns prevented him from reaching the water, and thus he died of thirst.

(5) FOOLS AND MADMEN:

15. *Proverb : Cosadziwa anausa mvula m'dziwe.*
Mr. Didn't-know took shelter from the rain in the pond.
Source : Lacey.
Notes : "Out of the frying pan into the fire."(?)

16. *Proverb : Saweruzika ndi tsiru.*
The one who cannot be instructed is a fool.
Source : Ngoni.
Notes : In explanation of this proverb the informant said, *Anabvalira pa mbali*—He dressed himself at the side. People will not tell the fool if he appears at the court with his trousers fastened up awry, even though he is showing his private parts.

17. *Proverb : Amisala sametana.*
Madmen do not shave each other.
Source : Lock.
Notes : They might cut each other's throats!

18. *Proverb : Wamisala anaona nkhondo.*
The madman saw the war.
Source : Lock.
Notes : The idea is that you cannot always discredit news because you have a bad opinion of the man who brings it. Even a madman sometimes speaks the truth. In this case the man who brought the news that the enemy was approaching was disbelieved because he was mad.

IV. PRUDENCE, CAUTION, COWARDICE AND SHAME

(1) PRUDENCE AND CAUTION:

1. *Proverb : Maso akutari mkango ukunga nyani.*
Eyes far away, the lion is like a baboon.
Source : Lock.
Notes : Don't jump to conclusions; at a distance a lion looks very much like a baboon.

2. *Proverb : Maso akutari nyani anazipha ndi mpeni.*
Eyes far away, the baboon killed himself with a knife.
Source : Lock.
Notes : The baboon, watching from a distance, saw the hunter working with his knife on the kill, and then placing it in a sheath at his waist. He thought the man had plunged it into his stomach. One day he found a knife and imitating the hunter, plunged it into his stomach and so killed himself.

3. *Proverb : Maso a usiku anagona ndi wa makate.*
Eyes of the dark, slept with a leper woman.
Source : Lock.
Notes : Perhaps this should really come under the heading of foolishness. *Maso a usiku*, "eyes of the night," is an idiomatic phrase used to mean "unknowingly" or "ignorantly".

4. *Proverb : Ikadza njala usataye ntondo.*
Should famine come, don't throw away your grain mortar.
Source : Yao.

5. *Proverb : Ukaona ka lero usataye ca kale.*
If you see some new thing (lit. little thing of today), don't throw away the old thing.
Source : Ngoni.
Notes : My informant gave the following explanation: "If a man buys a new shirt he shouldn't throw away his old shirt in the bush."
Here again *ka* is used where we should expect *ca*.

6. *Proverb : Kunja kuli patari.*
Outside is far away.
Source : Scott's Dictionary, p. 409.
Notes : It is safe at home, but dangerous abroad.

7. *Proverb : Pafupi m'pomwe wafika.*
"Near at hand" is there where you have already arrived.
Source : Lock.
Notes : This proverb might be used when

anyone says, " Let us go on, it is near now, only by those trees." *Pafupi* is a very elastic term (as every European living in Nyasaland knows to his cost), but you are sure that where you are is near, and it is better to sleep there than go on.

8. *Proverb : Khungubwi wa mantha anafa ndi ukalamba.*

The cowardly crow died of old age.

Source : Lock.

Notes : This is the same as our proverb, " The cock that fights and runs away, lives to fight another day." The Ila have *Kabwenga moa ng'uongola*—It is the prudent hyena that lives long. Smith & Dale, Vol. II. p. 315.

Khungubwi : this is the Pied Crow (*Corvus albus*). The two species of Corvidae, Pied Crow and White-necked Raven, occur in Nyasaland. There is some confusion in nomenclature, as the Nyanja and Ngoni reverse the names of the two species. Nyanja : *Khungubwi*, Corvus albus; *cikwangwala*, Corvultur albicollis. Ngoni, vice versa.

(2) COWARDICE AND SHAME :

9. *Proverb : Mbewa ya manyazi inafa m'una.*

The shy mouse died in (it's) hole.

Source : The late Rev. J. F. Alexander, of Zomba District. Nyanja informant.

Notes : " Nothing venture nothing have." The following is a Chewa variant : *Manyazi anapha lambe*—Shame killed the *lambe* mouse. All types of mice except the *lambe* have emergency exits from their burrows, by which they escape if danger threatens. The *lambe* was ashamed to appear frightened and so would not make a special exit, with the result that when the people came to dig for mice he was killed.

Lambe : The general term for mice is *mbewa*. *Lambe* is an Ngoni term for the Nyanja *kapeta* mouse.

10. *Proverb : Mantha ali m'citseko ; ukali uli m'maliro.*

Fear is in the door, fierceness (bravery) is in the funeral.

Source : Lacey.

Notes : A variant form is as follows : *Bwenzi la mantha ndiye kuseka ;* bwenzi la ukali ndiye kulira*—The friend of fear is to shut (the door) ; the friend of bravery is to mourn (lit. to cry). One who is afraid of a wild beast enters his house, shuts the door and is safe. The one who runs out is killed and eaten.

11. *Proverb : Manyazi ndi mantha anakwatitsa mkazi wopsinya.*

Shame and fear were instrumental in getting the ugly woman married.

Source : Lacey.

Notes : A youth wanted to marry one of a family of sisters. The maternal uncle agreed to the match. When the house was built and the woman had swept round about and lit the fire the youth came and entered the house. The girl hung her head because of shyness and he slept with her. Only next morning did he discover that he had got the one-eyed sister.

A man who is too frightened to examine what he is offered, and refuse it if it is not what he wants, is usually landed with something he does not want.

V. FRIENDSHIP—TRUE AND FALSE

1. *Proverb : Cibwenzi sicipherana makoswe.*

Friendship doesn't kill rats for each other.

Source : Nyanja.

Notes : In true friendship a man does not invite his friend to eat with him, and promising him beef, serve him up rats.

2. *Proverb : Ciri kwa nyani pusi sacitengera malonda.*

That which belongs to the baboon, the monkey does not get by buying.

Source : Yao.

Notes : You don't buy that which belongs to relatives and friends, but get it freely. A Lomwe variant is *Cimene ciri kwa bongwe pusi sangathe kutengera malonda*—That which belongs to the leader of a troop of baboons, the monkey is not able to get by buying.

**Seka*=laugh ; *tseka*=shut the door. [Ed.]

Bongwe is not found in the dictionaries. One Nyanja informant says that it means the leader of a troop of baboons, and is used to confuse. A missionary working on the lower Shire says that the term *bongwe* is used for baboons by the Sena tribe, who originally came from south of the Zambesi.

3. *Proverb :* *Bwenzi la nsomba losalekana.*
Friend of the fish not parting.
Source : Ngoni.
Notes : The following explanation was given by my informant : "*Nsomba akaicotsa m'-madzi akaiphika m'madzi.*" They take fish out of the water, only to cook it in water.
Another informant differentiated true friendship from false in the following phrases : *Ubwenzi wa madzi ndi nsomba*, Friendship of the water and the fish, is true friendship. When the water dries up the fish dies. *Ubwenzi wa madzi ndi ncenga*, Friendship of the water and the sand, is false friendship ; for when the water dries up the sand remains.

4. *Proverb :* *Ubwenzi wa nkhwazi : ayanjana polira.*
The friendship of the fish eagle : they co-operate in calling.
Source : Ngoni.
Notes : A satirical comment on the type of friendship that "protests too much." My informant added : *Watola nsomba ndi yace*—When he catches a fish it is his !
Nkhwazi is the African Sea-Eagle (Cuncuma vocifer). It has a loud, penetrating, almost sequealing call, as the pairs circle high in the noonday heat. (*Belcher* p. 44.)

5. *Proverb :* *Cikumbutsa nkhwangwa ncikuni.*
That which reminds us of the axe is the firewood.
Source : Lacey.
Notes : As people forget their axes until they wish to cut firewood, so people forget good friends until they are in need. An Ngoni variant is as follows : *Cikumbutsa nkhwangwa ncisanu*—That which reminds us of the axe is the cold season (or cold weather). The Lomwe have the same proverb in their own language : *Epatho yupusiwe nimuvinda.*
A similar proverb is : *Bwenzi la nkhwangwa, loyanjana pokwera*—Friend of the axe, who co-operates while climbing. When a man is climbing the tree he keeps his axe close at hand (as a rule hung in the neck-band of his shirt, or over his shoulder), but when he has finished his work and wants to come down he throws the axe down first.
Epatho : The sound I have represented by *th* is a dental fricative.

6. *Proverb :* *Manda a khonzi saya.*
The grave of the grave-digger is not deep.
Source : Various.
Notes : One informant added, *Ngakhale ndiye munthu wabwino samyamika*—Even though he is a good man they do not honour him.
A variant is : *Dzenje lu mkonzi siliya*—The grave (lit. the pit) of the grave-digger is not deep. If the grave is deep it is more difficult for the evil spirits (*afiti*) to call the corpse out and eat it.

7. *Proverb :* *Bwenzi la iwe ndi la wina.*
Your friend is another's.
Source : Lock.
Notes : Be careful to whom you tell your secrets. Your friend has a friend who is not necessarily yours also, and he may pass on your confidences.
La iwe is unusual. Most informants prefer *lako*. Perhaps the longer form is used to contrast more strongly with *la wina*.

8. *Proverb :* *Mfuno salota adaombera mfiti manja.*
The nose cannot foretell, she clapped hands (i.e. gave thanks) to an evil spirit.
Source : Ngoni.
Notes : Sometimes merely the first two words are quoted. A variant has *Cosadziwa* (the one who knew no better) instead of "The nose cannot foretell". The meaning is that good and bad fortune cannot be predicted or 'smelled out'. My informant gave as an example two men who where great friends for a number of years, but eventually one of them ran off with the other one's wife. The story connected with the variant given is as follows :

A woman whose child was very ill had a caller who came and sympathized with her and spoke kindly to her. When seeing her off the woman clapped her hands in courtesy saying, "You are indeed a kind person," not knowing that the caller was the evil spirit who had bewitched her child. Shortly after the caller left, the child died, and then the father realised that it was an evil spirit to whom his wife had been so courteous. The seeming friend whom we praise is often the enemy who will destroy us.

9. *Proverb : Oyanjana sagona m'manda amodzi.*
Those who fraternise with each other don't all lie in one grave.
Source : Lock.
Notes : Do not restrict your charity to bosom friends. If a mere acquaintance asks for something and is refused, he might use this proverb. Many Nyanja informants substitute *m'nyumba imodzi* (in one house) for *m'manda amodzi* (in one grave).

VI. VILLAGE LIFE AND CUSTOMS

(1) CO-OPERATIVE EFFORT :

1. *Proverb : Cala cimodzi siciswa nsabwe.*
One finger does not kill lice.
Source : Yao.
Notes : Lice must be cracked between two fingers. One person alone can do nothing.
2. *Proverb : Munthu satola kanthu ndi cala cimodzi.*
A person does not lift anything with one finger.
Source : Ngoni.
3. *Proverb : Mkwita umodzi sulira m'mwendo.*
One anklet does not sound on the leg.
Source : Nyanja.
Notes : *Mkwita* or *mkhwitha* (pl. *mikwita*) is an iron ring worn on the ankle. Generally more than one was worn. They clashed together as the wearer walked. Now-a-days very rarely seen.
4. *Proverb : Ciswe cimodzi siciomba culu.*
One termite doesn't make an ant-hill.
Source : Nyanja.
Notes : *Ciswe* are white ants or termites. The great mounds they make, rising often to fifteen feet or more, are a common sight in most parts of Nyasaland.
5. *Proverb : Munthu modzi sangathe kutema mphini kumbuyo.*
One person cannot cut scars on his own back.
Source : Ngoni and Nyanja.
Notes : Cicatrization scars are very common amongst Nyanja, Yao and Lomwe women, less so amongst the men. The whole body from forehead to ankles is often scarred. Occasionally the back too is cut, generally between the shoulder blades and low on the buttocks.

(2) FAMILY SOLIDARITY AND DOMESTIC LIFE :

6. *Proverb : Kukhala kwa eni ndi kuweteka.*
When staying with strangers at their village be shepherded.
Source : Lacey.
Notes : Do not try to get your own way. If you do not humble yourself you will have a lean time.
7. *Proverb : Kwa eni kulibe mkuwe ; mutu wa nkhuku nciwalo.*
When amongst strangers one does not shout ; the head of a fowl is a joint.
Source : Lacey.
Notes : When amongst strangers (lit. at other's house or village) one is humble and does not bluster. Even the head of the fowl is accepted as if it were a choice joint. My informant suggests that the first phrase may be used alone, meaning that when you are staying with strangers and are being punished for some wrong-doing it is no good shouting for help, you will only call more people to help with your punishment.
8. *Proverb : Kwa eni kuika moyo, kuipira ukadwala.*
To place (your) life amongst strangers, (is) making it bad for yourself if you should fall ill.
Source : Lacey.
9. *Proverb : Tambala akula kwao, kwa eni nci Spyolopyolo.*

A cock is big at home, away from home of little account, (lit. a thing made thin).

Source : Lacey.

Notes : To the Nyanja, so often near the hunger line, there is a definite connection between fatness and affluence and importance.

10. *Proverb : Kacinziri katupa patsala lace.*

The young Harlequin Quail becomes fat on its own fallow.

Source : Lacey.

Notes : You must not expect to get fat anywhere except at home. *Kacinziri : ka-* is the diminutive ; *cinziri* is the Nyanja name for the Kurrichaine Button-quail, the Cape Quail, and the Harlequin Quail.

Patsala : pa- is the locative "at" or "on"; *tsala* is an old garden. Such fallow land is the natural habitat of both the Button Quail and the Harlequin Quail.

Smith and Dale give an Ila proverb very similar to the five proverbs listed above. It is as follows: *Muchende tafumpuka matanga obili* —A bull doesn't enjoy fame in two herds. Vol. II p. 314.

11. *Proverb : Mwana wa ng'ona ndi yemwe ali pa mcira.*

The child of the crocodile is that one which is at the tail.

Source : Ngoni.

Notes : Some informants add the phrase *wa pambuyo ndiye mng'anzi*—the one behind is the *mng'anzi* lizard; but this is usually omitted. Some informants say that the crocodile and the *mng'anzi* lizard have a standing quarrel, as the *mng'anzi* eats the crocodile's eggs. Other informants deny this. The proverb is used in reference to stragglers when making a journey ; as we might call out to stragglers, asking facetiously "Are you with us ?"

The *mng'anzi* lizard and the young crocodiles are very much alike, and only when the mother crocodile moves off can one be sure which are its young.

12. *Proverb : Ukudya umadziwa azungu ndi alendo.*

While you are eating remember that Europeans are strangers.

Source : Lock.

Notes : While you are working for a European and therefore comparatively well to do, remember your relatives in the village. The European is a stranger (i.e. a visitor) and when he is gone and you are out of work, you may need help from your relatives. It is a recognised thing that the member or members of a family working for Europeans finance the whole family.

13. *Proverb : M'madzi udanyenga cule.*

"In the water" deceived the frog.

Source : Lacey.

Notes : I feel sure that there must be a story behind this riddle but none of my informants know of one. It is said to one who prides himself on his appearance and cleanliness, and thinks that his much washing makes him better than his fellows. The frog lives in the water but in spite of that he is not *woyera* (white, clean, pure). Being different from or better than other members of the community is pride and a crime !

14. *Proverb : Msengwa ya muyeso amatyola anansi.*

The measuring-basket relatives are wont to break.

Source : Lock.

Notes : The idea seems to be that expressed by Our Lord when he said "A man's foes shall be they of his own household." (Mat. 10 : 36). The Yao tribe has the same proverb : *Nakoma akupinda anasi.*

15. *Proverb : Maimvaimva kupasulisa banja koma kudekha.*

Continually listening ('to gossip or rumours' understood) breaks up the family, but to be patient.

Source : Nyanja.

Notes : This proverb was used in a letter to a man away at work in S. Rhodesia, who wrote saying that he had heard that his wife was pregnant. After making a fuss he found that his wife was not pregnant at all.

16. *Proverb : Kapanda ncokero nkamwini anacokera mamina.*

Lacking a reason the son-in-law left because of mucus.

Source : Lomwe.

Notes : The Nyanja are matrilocal. Being unable to find a valid reason for leaving his wife and his mother-in-law's village he manufactured an excuse, saying "my child's nose is always running."

Nkamwini should be *mkamwini.*

17. *Proverb : Munthu wosabala anasowa cakumutukwanira.*

A barren woman lacks anyone to whom she may use abusive language.

Source : Lomwe.

Notes : The explanation given is that the woman who has a child can scold it when she is angry with her husband, when she dare not speak directly to the father, or could not do so without causing offence.

18. *Proverb : Ciipira acabe amace nkumati mwana.*

That which is evil in the eyes of others, to its mother it is a child.

Source : Lacey.

Notes : The Ila have a similar proverb: *Chibi ku bantu ukudi baina nchibotu*—What is ugly to other people is fair in the sight of its (a child's) mother. Smith and Dale, Vol II. p. 320.

19. *Proverb : Ukonda gwemba, osakonda culu.*

You love the *gwemba* fruit, (but) do not love the ant-hill.

Source : Nyanja.

Notes : This is used by a mother-in-law. It is a way of saying that a man loves his wife but doesn't love his mother-in-law. The *gwemba* grows on ant-hills.

Another Nyanja informant gives this variant: *Usakonde gwemba koma ukonde culu, pamene pamera gwemba*—Do not (only) love the *gwemba* but (also) love the ant-hill where the *gwemba* has sprouted.

Gwemba : this term is invariably used by Nyanja, but is not to be found in the dictionaries. Hetherwick, however, has *mbwemba* (tamarind tree) *ubwemba* (tamarind fruit). An Ngoni informant says that *mbwemba* grow on ant-hills.

20. *Proverb : Nkhuyu zodya mwana zikapota mkulu.*

The figs that the child eats pain the elder.

Source : Lacey.

Notes : The converse of Israel's proverb recorded by Ezekiel. "The fathers have eaten sour grapes, and the children's teeth are set on edge." (Ezek. 18 : 2).

Zikapota : The verb *kupota* is a very expressive one meaning "to twist" or "to gnaw."

21. *Proverb : Kapusa nkamace, kopanda amace kacenjera.*

The foolish one has a mother, the one without a mother has all his wits about him.

Source : Lacey.

Notes : The orphan, having to rely on his own efforts, becomes quick-witted.

22. *Proverb : Cinansi ca kholowa cinadyetsa mbatata ya pansi.*

Familiarity with potato leaves caused the potatoes themselves to be eaten.

Source : Lacey.

Notes : The owner of a potato patch allowed a neighbour to pick potato leaves for relish (*ndiwo*) whenever she wished. She continued to do this even after the potatoes had formed, and one day she dug up some potatoes and ate them. The owner knew that it was the one who was in the habit of coming to his garden. Familiarity breeds contempt.

23. *Proverb : Mwana wa mzako ndiye kasambe ; wako adzidya.*

The child of your neighbour is the one (to whom you say) "go wash" ; your own must eat.

Source : Ngoni.

Notes : When the food comes you tell your child's playmate to go and wash. While he is away your own child eats the food.

24. *Proverb : Yotema ndi nkwangwa, ya mpeni sudzadya.*

That cut with the axe, of the knife you will not eat. (i.e. The meat which is cut with an axe you will eat, that which is cut with a knife you will not eat.)

Source : Ncheu.[14]

Notes : The sound of an axe attracts the attention of passers-by to the place where the game is being cut up. The proverb is used when anyone whom you have helped with a gift spreads the news and many people come asking you for a share. It means that the next time you have anything you will keep it to yourself.

25. *Proverb : Mwana ndi bango akafa apuka wina.*

When a man or a reed dies another springs up.

Source : Various. A. Werner, and Scott's Dictionary both quote.

Notes : I can easily get someone else. Spoken specially of a man who leaves his wife or dies. "There are as good fish in the sea. . . . ."

26. *Proverb : Nsomba imodzi inaoletsa mtambala onse.*

One (rotten) fish made the whole bundle rotten.

Source : Not recorded.

Notes : This proverb is used both of one bad child in a family or of one bad person in the community. A variant is as follows. *Nsomba ikaola imodzi zaola zonse*—If one fish goes bad they all go bad.

(3) GOOD MANNERS :

27. *Proverb : Kuyenda m'kuvina, saononga pakumwa.*

Travelling is a dance, they don't spoil the drinking place.

Source : Lock.

Notes : In dancing you return to the starting point, continually traversing the same ground. So too, on journeys and in life in general one should not 'stir up the mud' remembering that one may return later. The Ronga have a similar proverb : *U nga nwe mati, u seletela nhlobo ; mundjuku u ta nwa kwini ?*—Do not fill up the well after having drunk. Where would you drink tomorrow ? H. A. Junod. "The Life of a South African Tribe," Vol. II, p. 177.

28. *Proverb : Pocoka umacoka bwino suleka utakhadzula mnzako mlomo.*

When leaving, leave a good impression, don't separate after having split open your companion's lip.

Source : Lacey.

Notes : The meaning is the same as the above proverb. Your future reception will depend on how you previously left the place.

29. *Proverb : Mako ndi mako usamuona kucepa mwendo.*

Your mother's your mother, don't despise her because she is small of stature (lit. Do not see (her) short-leggedness).

Source : Ngoni.

Notes : My informant says that they sometimes sing this at the *ng'oma* (dance or beer drink). According to my informants the proverb has nothing to do with legs or stature literally, but that 'short-leggedness' is an idiomatic way of expressing contempt and scorn.

30. *Proverb : Kukana cimbwi ca akuru ndikuviika.*

Refusing the blanket of the elder and steeping it.

Source : Nyanja.

Notes : A young person is given a lot of clothes to wash. As he is about to take them to the stream the chief or an elder person gives him a blanket as well. He really wishes to refuse but he accepts it, and instead of washing it he just plunges it into the water and brings it back saying he has washed it. This is a typically Nyanja concept. It is rude to refuse a request positively, but not rude to agree and then to find some way of not fulfilling your promise. To refuse point blank would shame the owner of the blanket.

31. *Proverb : M'kapeza eni akazinga maso, iwe mlendo ukazingenso lako.*

If you should find the residents of a place frying their eyes, you, a stranger, fry yours also.

Source : Ngoni.

Notes : "When in Rome do as Rome does."

32. *Proverb : Mpingu saloza ndi cala.*

They do not point out an omen with the finger.

Source : Lock.

Notes : The proverb means that you should

[14] The Ncheu are a branch of the "*Amalawi*" (Nyanja of the Upper Shire) who were subject to a chief named Changamire, who lived near the present Ncheu administrative centre, and who took the name "*Akuncheu*".

not meddle with, or treat in a familiar way, things which are dangerous.

Mpingu is a thing of ill omen, anything which crosses the road and is considered unlucky.

Saloza : The verb *kuloza* means "to point at," and thus comes to mean "to be bewitched." The proverb is used of anyone who, in spite of good advice, deliberately, in a provocative manner, invites trouble.

(4) SCANDAL AND GOSSIP:

33. *Proverb : Mbuto ya kalulu inakula ndi zaoneni.*

The hare's form grew big by "come and see."

Source : Nyanja.

Notes : Through no fault of the sinner, by the means of gossip, a little fault soon becomes a great matter. A hare's form comes to look as if an elephant had slept there!

34. *Proverb : Pakapanda nkhuni moto suyaka, koma nkhuni zikakhalapo moto uyaka.*

Without firewood the fire does not blaze, but if there is firewood the fire blazes.

Source : Ngoni.

Notes : Without scandal there is no strife.

35. *Proverb : Livundula madzi.*

The water-fouler (lit. The stirrer up of water).

Source : Various.

Notes : The origin of this term is obscure. It appears to be a proper noun referring to a mythical insect which lived in the water and stirred up the mud. Another informant says, "The people living in two villages were friendly and drew water from the same water-hole. Near the water-hole was a big tree where lived an unknown bird. This bird decided to cause enmity between the two villages, so one day when the women from the first village had drawn water it swooped down and stirred up the mud in the water-hole. When the women from the second village arrived they were surprised at the state of the water and wondered what their friends had been doing. This continued for some time, each lot of villagers believing that their neighbours were responsible. Both groups became angry and a meeting was called to discuss the matter. Both parties strongly denied having fouled the water, so it was decided to set a watch. The bird was then caught and killed." The proverb is now used to refer to anyone who talks scandal, speaking well of a person to his face and otherwise behind his back. When two people are at enmity and the cause is unknown then one looks for the "water-fouler."

36. *Proverb : Dzenje la pida lidziwika nkuunjika.*

The burrow of the Pida mouse is recognised by the heap of dirt (lit. by heaping up).

Source : Lacey.

Notes : You need not see the actual burrow to know that it is there. Rumour reveals things.

VII. MISCELLANEOUS APHORISMS

(1) PREPAREDNESS, PROMPTITUDE, AND PROCRASTINATION:

1. *Proverb : Palibe munthu anasula mfuti nkhondo itafika m'mudzi mwace.*

A person does not begin to forge a gun when the war has already arrived in his village.

Source : Lomwe.

2. *Proverb : Ukayenda pa njira usamagulula mano udzasowa codyera nyama.*

When you go on a journey (lit. if you walk on the path) do not knock out your teeth or you will lack the wherewithal to eat meat.

Source : Lacey.

Notes : This means that a man should not set out on a journey unarmed like a woman, or he will have nothing to defend himself with should he meet his enemies.

3. *Proverb : Mubvi woyang'abira unalowa m'maso.*

The arrow which is stared at entered the eye.

Source : Various.

Notes : A variant is as follows: *Mubvi wouyang'anira sucedwa kulowa maso*—The arrow which is stared at does not take long to enter the eye. See notes to next proverb.

4. *Proverb : Uyambiza madzi ali m'maondo.*

You should begin (when) the water is at the knees.

Source : Ncheu.

Notes : A variant is as follows : *Umayambirira madzi asanafike m'maondo*—You set off before the water has reached the height of your knees. Both these proverbs mean that procrastination rebounds on the procrastinator. You must not wait until troubles have increased. The most general usage is when a man has married into another village and his elders wish him to leave fearing he will have trouble there, and he insists that he likes the place.

5. *Proverb : Garu umuzuma asananye.*

Growl at the dog before it has defecated.

Source : Lomwe.

Notes : My informant adds " You must chase the dog away immediately it lifts its tail or it is too late."

Umuzuma from the verb *kuzuma*, which when speaking of people may mean to stop (v. trans.) by making a noise indicative of anger or displeasure. It is a nasal *mmmm*, with a rising intonation.

Asananye is from the verb *kunya* to defecate. I have never heard the word used in ordinary conversation. It is always expressed periphrastically when speaking of people, for example : *ndinke kuthengo*, I am going to the bush, or *ndinke kukayendera maliwa*, I am going to examine the traps.

6. *Proverb : Nkhwangwa ikagwa pa madzi dzanja pomwepo.*

When the axe falls into the water the hand is there at once.

Source : Lacey.

Notes : If you wish to retrieve an axe which has fallen into the river do not delay. Catch it before it sinks.

7. *Proverb : Zengerezu adalinda kwaukwau.*

The procrastinator waited for " Home with him ! "

Source : Lacey.

Notes : Usually said at beer drinks, where one may eventually be driven home with sticks.

8. *Proverb : Cidule cinapetsa njati m'mbuna.*

Short-cut killed the buffalo in the game-pit.

Source : Lock.

9. *Proverb : Lelo lokha-lokha kunadetsa nthengu.*

" Only today " made the drongo black.

Source : Various.

Notes : The explanation given to me, which I do not find very convincing, is as follows : " There was once a youth whose body was beautifully dark and at dances all the women loved him. This caused the drongo to ask him where he procured his colouring. The youth told him, and he went to the owner of the colouring matter and asked to have his body darkened like the youth's. The medicine man told him that he was out of that kind of colouring, but the drongo persisted. The medicine man told him to return the following day. He refused to go away insisting that he wanted it that very day ; so the medicine man picked up a pot of ink and poured it over the drongo. That is why to this day the drongo is black."

The proverb is used when anyone is in too great a hurry, especially to those who insist on a case at court being finished in one day. It is pointed out to them that if the judge is tired he cannot be expected to judge justly.

Nthengu : the *nthengu* is the Fork-tailed Drongo (Dicrurus adsimilis divaricatus). It is entirely black and is found throughout Nyasaland. See Proverb No. 9 Section III.

(2) LUCK AND FATALISM :

10. *Proverb : Tsoka likakuda kamba asanduka mwala.*

When luck is black the tortoise turns into a stone.

Source : Nyanja.

Notes : " If two people are out hunting and one is out of luck he may see a tortoise but he will think it is a stone. His fellow will see it is a tortoise." If someone begs something of you and you refuse him, and yet later on give the same thing to another, the one you refused would use this proverb.

11. *Proverb : Caona mzako capita, mawa ciona iwe.*

That which has befallen your friend (today) tomorrow will befall you.

Source : Various.

Notes : Do not laugh at your companion who is in trouble. Tomorrow it may be your turn.

Caona, "that which has seen," from the verb *kuona*.

12. *Proverb : Coipa citsata mwini.*

The evil thing follows its owner (i.e. Evil dogs the evil-doer).

Source : Lock.

13. *Proverb : Madzi akatayika satolanso.*

When water is spilled, it can't be picked up again.

Source : Various.

Notes : A variant is as follows : *Madzi akatayika saola*—When water is spilled it can't be carried away. It is no use crying over spilled milk. The proverb is said to mourners at a funeral to indicate that the dead person will not come back to life.

14. *Proverb : Kwapsya pwamera koma kwatsala thengo.*

Where it has been burnt it has sprouted, but what remains is bush.

Source : Nyanja.

Notes : After trouble has passed one gets over it. Others have trouble still ahead.

(3) RICHES AND POVERTY, HUNGER AND PLENTY :

15. *Proverb : Kulemera ndi mcira wa khoswe, sucedwa kupululuka.*

To be rich is the tail of the rat, it quickly sloughs off.

Source : Not recorded.

Notes : Used when a well-to-do person ridicules a poor person. "Riches take wings and fly away."

16. *Proverb : Ndipate, ndipate, anapata bala.*

"I must have it, I must have it" got a wound.

Source : Lock.

Notes : One informant says, "Women go to Zomba to get rich quickly ; unsatiable they go on to Limbe for more riches, and come back with syphilis."

Ndipate : the verb *kupata*, according to my Nyanja informants, was originally an Islamic or Arabic word and was brought to Nyasaland by the Yao people who traded at the sea coast. The Nyanja synonym is *kupeza*, to find or get.

17. *Proverb : Ukalemera vinila m'nyumba.*

If you should become rich dance (i.e. rejoice) in the house.

Source : Lock.

Notes : Don't taunt those who are poor by flaunting your riches in their faces.

18. *Proverb : Mwendo wa mfumu kulemera.*

The leg of the chief (is) heavy (or rich).

Source : Nyanja.

Notes : My informant said, "The chief gives his aide-de-camp things to be distributed amongst his people, but he keeps them for himself and his family. When the chief is ill or in any trouble he sends messengers to tell his people that they may help him. They will retort, "attend to it yourself", and quote the proverb, speaking, I think, of the aide-de-camp as the chief's leg.

19. *Proverb : Kangakanga kadatyola nyani mcira.*

"Mine ! Mine !" broke the monkey's tail.

Source : Lacey.

Notes : See notes to next proverb.

20. *Proverb : Njobvu anagwa m'mbuna mwa aonenji.*

The elephant fell into the pit belonging to "What could he possess ?"

Source : Lacey.

Notes : Both these proverbs seem to mean, "Don't despise your neighbours for not having what you possess. They have something that you haven't." The elephant, speaking sneeringly of the owner of the game-pit, and not knowing he possessed a pit, said, "What could he possibly possess ?"

21. *Proverb : Patsepatse nkulanda mwana wamfulu adziwa yekha.*

"Give ! Give !" is robbery, the free-born child knows himself (i.e. when to give).

Source : Ngoni.

Notes : Lacey's informant gives the following variant : "*Kuyasamula nkupempha, mwana wamfulu adziwa yekha*—To open the mouth

widely (or ' to yawn ') is to beg, the free-born child knows himself (when to give).

22. *Proverb : Pasamba mfulu kapolo asambila pomwepo.*

Where the free-born washes, there also washes the slave.

Source : Ngoni.

Notes : This proverb is used when begging anything. It means that the slave, or poor man, has to rely on his master to provide him with the necessities of life ; he has nothing he can call his own.

The Nyanja say : *Pabvinidwa mfulu kapolo abvinidwa pompo*—Where the free-born is danced, there too is danced the slave.

23. *Proverb : Mtaya makoko saiwala ; aiwala ndi mdya nyemba.*

The " thrower-away-of-the-shells " does not forget, the one who forgets is the " eater-of-the-beans."

Source : Lacey.

Notes : The rich man or slave-owner forgets the wrongs he inflicts on his slaves or dependents, but they remember. It is like a man who eats his fill of beans and orders a hungry man to throw away the pods. The Ila have *Kaluba mwambi, mwambilwa taluba* —The speaker may forget, but he who is spoken to does not forget (i.e. you may forget the insult but the person you insult will not, it will rankle). Smith and Dale, Vol. II. p. 314.

24. *Proverb : Likawomba wotha.*

While it shines, bask ! (' the sun ' understood).

Source : Lock.

Notes : This is sometimes followed by *Mawa kulimitambo*—Tomorrow there will be clouds. One Nyanja informant says " If you are eating and they press you to have more, though you are full, you will go on eating, and say *Likawomba wotha*, that is to say, ' Today I am lucky, tomorrow I may not have anything to eat at all.' "

25. *Proverb : Njala yapita pa cirini.*

Famine has gone in to the strong hoer.

Source : Nyanja.

Notes : The champion hoer always has grain in his store and so is able to help others in times of famine. Sometimes however, famine " finds him out " and he cannot help. At a short hospital service one day I neglected to give " chapter and verse " for my text. One old evangelist apparently spent the time looking for the text, and afterwards used this proverb, meaning that where he had usually found food, today he had found none.

Cirini : This word is not found in the dictionaries, but synonyms given by informants, *cirimi* and *mulimi*, suggest that it is from the verb *kulima*, to hoe. Some informants use *khasu* (a hoe) in place of *cirini* in this proverb.

(4) OPPORTUNISM :

26. *Proverb : Cako ndi comwe wadya.*

Yours is that which you have eaten.

Source : Nyanja.

Notes : This is expanded by Rattray as follows : *Kako n'komwe wadiyeratu, mukapanda kudya n'kamwini*—Your little thing is that which you have already eaten, if you don't eat it, it is someone else's.

27. *Proverb : Fodya ndi yemwe ali pa mphuno.*

Tobacco is that which is at the nose.

Source : Nyanja.

Notes : *Fodya* is tobacco in any form. Here it equals snuff. You can be sure of the snuff which is already in your nostrils.

28. *Proverb : Musakangaze kumeza pamene kutafuna kuli kokoma.*

Do not be in a hurry to swallow when chewing is pleasant.

Source : The late Rev. J. F. Alexander of Zomba. Nyanja informants.

5) VARIOUS PRECEPTS :

29. *Proverb : Tiyese anapha mvuu ndi mono.*

" Let's-try " killed the hippopotamus in a fish trap.

Source : Nyanja.

Notes : Perseverance achieves the impossible.

30. *Proverb : Taleka ndiyese anakwata mkazi wa mfumu.*

" Leave it, let me try " married the chief's widow (i.e. became the chief).

Source : Nyanja.

31. *Proverb : Lungalunga pakubadwa cilema cikudza utakula.*
Perfect (literally "straight-straight") at birth, deformity comes when you have grown up.
Source : Lock.
Notes : The proverb is spoken of one who begins a job of work well, gets tired, and does it badly. Lacey has a similar one in addition to this one. *Ukakoma leka thonyo, cilema cidzera ku ukuru*—If you are beautiful don't sneer at others, deformity comes with age.

32. *Proverb : Tsoka nthambe.*
The *Nthambe* relish has misfortune.
Source : Lacey.
Notes : The Nthambe is the first wild herb used as relish to appear in the rainy season, and therefore does not escape being picked and cooked. The forerunner is the one who has to combat misfortune.
Nthambe is a Chewa term. The Nyanja say *cithambe.*

33. *Proverb : Ng'oma yolira bwino sikhalira kubooka.*
The drum which sounds best is soon pierced.
Source : Lacey.
Notes : I have not heard this proverb in use, but Lacey's informant gives the following explanation: "A beautiful person dies quickly or becomes inflicted with disease because so many people love her. They themselves also become proud thinking that they are better than other people. They are like a drum with a good sound which people like and are continually borrowing. It soon wears into a hole because of rough usage."

34. *Proverb : Ukonde umalumikiza ndi wakale.*
The hunting net is attached to the old one.
Source : Lacey.
Notes : As at a hunt each additional net is attached to those already in use, so new knowledge should be added to, and used in conjunction with, the wisdom of the ancients.

35. *Proverb : Cimanga cicera opanda mano.*
Maize ripens for those without teeth.
Source : Lacey.
Notes : The good things of life come to those who cannot fully appreciate them. The old men without teeth have much green maize which they cannot chew. They can only sit and look at it whilst the young men look on enviously wishing they could have some. "The walnuts of life usually come when we are too old to crack them" (Sir James Barrie)

36. *Proverb : Zinthu zikacuruka sizidyeka.*
If things increase in number they are not eaten.
Source : Not noted.
Notes : This proverb is most often used of work or of court cases. If a person is given a bigger task than he can reasonably get through, or if a chief sees that there are more cases than can be dealt with satisfactorily this proverb is used. "Enough's as good as a feast". As true of proverbs as of other things I

SOME LOBOLO CASES IN NATIVE LAW

JULIUS LEWIN

South Africa has a unique series of law reports devoted to the recording of cases between Natives in which Native law was applied. This important and valuable source of our knowledge of Native law has been neglected in the past. No doubt one reason for this neglect has been the fact that the reports, especially the older ones, were relatively inaccessible; and another reason may well be the difficulties that their technical language and tacit assumptions often present to the inquirer who is not a lawyer.

With a view to making at least the nature of these reports better known, I have selected for reproduction here a series of cases heard in the Native Appeal Courts on various subjects, and I have added explanatory notes to help the layman to notice features of special interest to students of Native law. The first series all deal with *lobolo*. The reports themselves were listed and discussed in my "Short Survey of Native Law in South Africa" which was published in *Bantu Studies* in June 1941. The extracts are reproduced here by kind permission of the Government Printer under copyright authority No. 363 of 28 February 1941.

MATENDE MNCUBE v. KOMOLO MAZIBUKO 1941, N.A.C. (Natal and Transvaal) 14.

This case turns on the rule that a Native who is a party to a marriage under the Common law, cannot while his marriage continues, become a party to a customary union under Native law. If he purports to enter such a union, it has no legal validity. Moreover, where, as in this case, he pays cattle in contemplation of such a union, he cannot recover them. The reason why he cannot is that he paid them in pursuance of a contract which is immoral in the eyes of the law and which the court will therefore not enforce. This rule regarding immoral contracts comes from the Common law which puts debts contracted in gambling or by betting into this category. To indulge in gambling or betting is not unlawful, i.e., not punishable as a crime, but the courts discourage the practice by refusing to compel a debtor to pay what he owes. They apply, as in this case, the Roman maxim to the effect that where the claims of both parties to the suit are equally invalid, the defendant is in the better position in that he can retain what he holds because the law declines to intervene in the matter.

Eshowe: 13 February 1941. Before E. N. Braatvedt, President; F. H. Ferreira and W. G. Stafford, Members of the Court.

Appeal from Court of Native Commissioner, Mahlabantini.

Stafford (Member):

The Plaintiff sued the Defendant in the Chief's Court for the return of four head of cattle advanced as *lobolo* in respect of an anticipated customary union between Plaintiff and Defendant's daughter and obtained a judgment for that number.

The Defendant appealed. In the course of Plaintiff's evidence, it was disclosed that he had delivered nine head of cattle as *lobolo*, that they increased by two head and that Defendant had repaid seven head. During the trial before the Chief, another head had been returned, leaving, therefore, a balance (including the increase, probably still calves) of three head. It further transpired from his evidence that the girl had lived with Plaintiff for a while and that a feast had been held and there had been some question raised at the feast as to why an official witness was not present. Plaintiff admitted that he had a wife whom he had previously married by Christian rites and that the reason why the engagement was broken off was that he was told that he could not take a second wife. He admits that he knew that he had no right to take a second wife and that it was against the law.

At this stage of the proceedings Defendant's

counsel asked for the dismissal of the claim on the ground of the illegal contract and the application was granted.

The Plaintiff has appealed, chiefly on the ground that his claim is based not on the illegal contract (as no union had taken place) but simply on the fact that the cattle were *sisa* cattle in terms of Section 85 (1) of the Code. In other words, he wished to avoid the consequences of his participation in an illegal transaction by saying that the cattle are still his and he has the right to recover them from Defendant's possession. This is an expediency which has been frequently resorted to by litigants with success.

Our sister-Court, has, however, already laid down in *James Sogayise vs. Morgan Mpahleni*, N.A.C. (C. & O.) S.D. No. 9/1931—a case on all fours with this one—that such cattle are not recoverable as the payment of *lobolo* is part of and a preliminary to the union. If this case is followed Plaintiff would have no redress.

The application of the maxim *in pari delicto potior conditio defendentis*, regarding the rights of parties under an illegal contract, has been profoundly modified by the recent decision of *Jajbhay vs. Cassim*, 1939, A.D. 537. This decision now gives a Court a discretion to provide relief. In terms of the headnote of the report :—

> "The Court will not enforce rigidly the general rule '*in pari delicto potior est conditio defendentis*', but will come to the relief of one of the parties where such a course is necessary in order to prevent injustice or to satisfy the requirements of public policy."

The rule itself exists, but the Court may in a suitable case, based on the principle enunciated, take the case out of the general rule.

The decision goes further and lays down that the question of recovery must not be made dependent on the test as to whether the Plaintiff relies on the contract or not. The position appears to be that the rule may still be applied as long as the party had paid or delivered something in connection with an illegal contract.

Applying the above principle to this case, we find that this is not a case in which the Court should use its discretion in coming to the aid of the Plaintiff because :—

(1) In the circumstances disclosed no manifest injustice has been done to the Plaintiff and the Defendant has not been unduly enriched at his expense.

(2) The interests of public policy are better served by depriving the real wrongdoer of the residue of the unclaimed *lobolo*.

The appeal is dismissed with costs but the Native Commissioner's judgment is altered to read : "The appeal is allowed with costs and the chief's judgment altered to one for Defendant, with costs."

Braatvedt, P. : I concur.

Ferreira (Member) : For the sake of clarity I desire to state that in agreeing that the appeal should be dismissed with costs, I base my decision on the fact that in the case of *Jajbhay vs. Cassim*, 1939, A. D. 537, the learned Chief Justice laid down that where public policy is not forseeably affected by a grant of refusal of the relief claimed, a court of law may well decide in favour of doing justice between the individuals concerned and so prevent unjust enrichment.

I consider that it is not in the interests of public policy for Natives married by Christian rites to be encouraged to contract so-called customary unions in contravention of the law and I, therefore, hold that the present case is not one which can be considered to be an exception to the maxim *in pari delicto potior conditio defendentis*.

SILWANETSHE CILI v. MBOPENI NTOMBELA, 1941 N.A.C.

(Natal and Transvaal) 16.

The property rights in a girl, i.e., the right to receive the lobolo to be paid for her at some future date, can be transferred by her father to another person as security for a debt. But in that event the man paying the lobolo must still pay it to the father, not to the third person because, for one thing, the cattle paid as lobolo may be more than the debt which gave rise to the transfer of the right. Transfer is a form of security indicating how the debt will be paid in due time, i.e., the source from which the debtor will obtain the cattle that he owes.

The Chief no doubt failed to appreciate this distinction. He also acted improperly in ordering the

third person, who was not a party to the case, to pay the cattle to the plaintiff.

Eshowe : 12 February 1941. Before E. N. Braatvedt, President ; F. H. Ferreira and W. G. Stafford, Members of the Court.

Appeal from Court of Native Commissioner, Mtunzini.

Braatvedt, P. (delivering the judgment of the Court) :

Appellant sued a man named Mgodi Biyela for six head of cattle.

The Native Chief who heard the case, gave the following judgment :—

> " For Plaintiff with costs. The Plaintiff is entitled to the *lobolo* of Defendant's daughter, Sandolo."

Probably what the Chief meant was that the judgment should be satisfied with cattle which Mgodi would receive by way of *lobolo* for his daughter, Sandolo, on her marriage ; but the Appellant's contention is that he was awarded the property rights in the girl, which would mean that he was given a judgment for more cattle than he claimed, since the girl's *lobolo* would be eleven head of cattle.

Respondent was engaged to the girl Sandolo at the time. After the Chief had given the judgment he sent for Respondent and there is evidence that he instructed him to pay the *lobolo* cattle for Sandolo to the Appellant, and not to her father, Mgodi, but the Respondent states that he did not agree to do so.

He paid the full *lobolo* to Mgodi. Appellant obtained eight of the *lobolo* cattle through Mgodi, and thereafter sued the Respondent in the Court of the Native Commissioner for the balance of three head which he had failed to obtain from Mgodi.

The Native Commissioner gave judgment for the Defendant (now Respondent), with costs. This appeal is from that judgment.

The Chief had no authority to instruct the Respondent to pay the *lobolo* cattle to Appellant. Respondent was not a party to the action between Appellant and Mgodi. He rightly paid the *lobolo* to the girl's father.

The appeal is dismissed with costs, and the judgment of the Native Commissioner is confirmed.

MALEWU THELA v. MABALENI NKAMBULE, 1940 N.A.C. (Natal and Transvaal) 113.

In this case the court disallowed a claim for lobolo on the ground that the total dowry demanded was excessive—this in spite of the fact that there was an agreement between the parties on the amount. The court disapproves of the tendency to commercialise lobolo and marks its disapproval by declining to enforce a contract that provides for too large a dowry. The decision is apparently based partly on considerations of " public policy " and partly on the view (which is arguable) that Native law means original tribal custom, not custom as practised to-day. The court applies to lobolo the Common law view that even an explicit contract may have to be interpreted in the light of general social considerations.

Ermelo : 27 September 1940. Before E. N. Braatvedt, President ; W. H. Hare and H. A. van Rooyen, Members of the Court.

Appeal from Court of Native Commissioner, Carolina.

Braatvedt, P. (delivering the judgment of the Court) :

Respondent's daughter, Dina, married Appellant's son, Lotter in 1938. Appellant made himself responsible for the payment of *lobolo* for the girl. Five head of cattle were paid by him on account at the time of the marriage.

In March, 1940, the Respondent sued the Appellant for seven head of cattle, or alternatively for £28, their value, alleging that the *lobolo* which had been agreed upon was twelve head of cattle.

When the case came before the Native Commissioner, the Defendant (Appellant in this Court), admitted liability to the extent of two head of cattle only. He contended that the *lobolo* agreed upon was seven head of cattle and not twelve head.

The Native Commissioner at once entered judgment for the Plaintiff (Respondent in this Court) for the two head of cattle, but thereafter recorded evidence led by both parties and entered

a further judgment for Plaintiff for five head of cattle, or their value, £20, with costs.

From the record it would appear that two judgments have been given in favour of the Plaintiff in the lower Court in the one case, namely, for two head of cattle, and another for five head of cattle or £20. The Native Commissioner, however, states in his reasons for judgment that he meant that the first judgment should merge in the second and that the final judgment is for five cattle, or £20.

The grounds of appeal are that the Native Commissioner should have accepted the evidence of the Defendant (Appellant in this Court), and that as the girl, Dina, had borne two children to another man before she married Lotter, the *lobolo* payable for her would be considerably less than that for a girl who had not borne children. A further ground of appeal is that the Native Commissioner gave two judgments, but he has elucidated that point in his reasons for judgment.

The Native Commissioner finds as a fact proved that the contract was for twelve head of cattle, but bases his judgment on Plaintiff's (Respondent's) statement when giving his evidence, that if twelve head had been paid to him, he would have repaid two head.

Plaintiff's evidence is supported by that of his two wives and a man named Mnisi, who states he was present when the parties agreed that twelve head of cattle should be paid, but that he then left and knows nothing further.

Plaintiff and his wives give conflicting evidence in regard to the number of children borne by Dina before her marriage and the number of cattle paid by her first husband or seducer. The Native Commissioner states that he rejected the evidence of the Defendant and his brother because they gave most conflicting evidence on a very important point. The record does not disclose any discrepancy in their evidence. Defendant does say that he and his brother took Dina back to her father with five head of cattle and his brother says that she preceded them by a few days. That is probably the "conflicting evidence" to which the Native Commissioner refers, but the Defendant was not cross-examined on the point, which, in any case, had no bearing on the case. A Native would say that he took a girl back to her father with the cattle even if she preceded him by a few days—that is a Native's way of saying it.

The parties to the action appear to be Swazis judging from their clan names, and the customs of the Swazis and Zulus were at one time very similar, although they may at the present time differ in some respects because Zulu law has been codified whereas there is no written Native law in the Transvaal. It is, I think, an accepted fact that originally there was no fixed *lobolo* amongst the Bantu tribes. With the Zulus the custom was that a bridegroom would pay a few head at the time of the marriage, and would supplement the number after marriage should his father-in-law be in difficulties, but the total number of animals paid rarely exceeded five or six head; in many cases it was less.

The same custom probably obtained in other tribes akin to the Zulus, such as the Swazis. The Natal Code raised the number of cattle payable to ten head. There is reason to believe that outside of Natal, other tribes for which no written law has been provided, have in comparatively recent times, in many cases departed from their ancient customs by demanding and receiving higher *lobolo* than did their forefathers.

Tribal control has slackened and it is only natural that, in the absence of restrictive legislation, advantage should be taken of the opportunity to enrich oneself. When Natives say that the custom in their particular tribe is that a high number of cattle is payable as *lobolo*, such an assertion should be viewed with suspicion as probably not of ancient origin.

In Natal to-day, if a girl bears two children before marriage, her *lobolo* would not exceed eight head of cattle, for one beast would be deducted for each child born from the ten head fixed by the law. Before European occupation of the country the number would have been less than that.

Excessive demands in the Transvaal where there is no written Code, should not be allowed, not only because they have no foundation in original Native law, but also because they tend to prostitute the underlying object and purpose of

lobolo and to commercialise the transaction. There appears to be no reason why the already high number of *lobolo* cattle fixed by the Natal Code should be exceeded by any tribe living in the Transvaal.

On these grounds the *lobolo* for Dina should not have exceeded eight head of cattle in spite of any agreement to the contrary which might have been made by the parties concerned.

I am not impressed by the evidence of the Plaintiff and his witnesses. Dina was at some time or other convicted of cattle stealing and was fined £3. Whether her conviction took place before or after her marriage to Lotter, the record does not say, but her father, the Plaintiff in the Court below, paid the fine on her behalf and also paid £3 to a lawyer to defend her. He thereafter demanded a refund from the Defendant, and when the money was not forthcoming, he instituted the present action.

The Native Commissioner, however, accepts his story that it was agreed that twelve head of cattle should be paid for Dina, and I am not prepared to hold that he arrived at a wrong finding as he had the advantage of seeing the witnesses, but for the reasons stated, this Court cannot hold that such an agreement should receive judicial sanction.

The position which has been outlined is that applicable to Natives who are commoners. Chiefs are, of course, entitled to a higher *lobolo*. From the record it appears that the Plaintiff is a commoner.

A *lobolo* contract is normally between the bridegroom and the bride's father, but in the present case the Defendant (Appellant) accepts personal liability.

This Court has held that £3 represents a fair value of the average *lobolo* animal in the Transvaal.

The appeal is allowed with costs, and the Native Commissioner's judgment is altered to read: "For Plaintiff for three head of cattle, or their value, £9, with costs."

JOSEPH MBANI v. REGINA MBANI,
1939 N.A.C. (Cape and O.F.S.) 91.

The question here was whether a refusal by the husband to pay lobolo in a marriage under the Common law is tantamount to desertion on his part, i.e., is his refusal such conduct as makes the living together of the parties intolerable and so justifies his wife in leaving him? (Desertion does not merely mean a physical leaving of A by B; it may be "constructive desertion", i.e., such conduct by A as justifies B in leaving him. In that case A has deserted B although it is she who leaves him.)

Now it is clear that a marriage between Natives might become intolerable to either party for a reason that would not affect Europeans, e.g., a continual accusation of practising witchcraft. But is a husband's refusal to pay lobolo or more lobolo, such a reason? Admittedly, it makes the wife exceedingly unhappy; but if we say it justifies her in leaving him, we are in effect making the payment of lobolo an essential, not merely an optional, element in marriage under the Common law. It is, of course, essential in a customary union but it has hitherto been regarded as optional in a marriage in the sense that it is only enforceable if the husband contracted to pay it.

An alternative view to that taken by the President here is that when a Native woman enters a marriage, she may be deemed to accept certain assumptions, one of which is that payment of lobolo for her is only on a contractual basis and not inherent in the relationship with her or her guardian. If the opposite assumption is maintained, the parties should enter a customary union, not a marriage.

This case is further complicated by the fact that the husband did apparently pay the first instalment of lobolo voluntarily but refused to pay another of the amount asked.

The court held that the Plaintiff had not proved his case. The decision is a highly debateable one.

The President quotes Hendrik Brouwer (1625-83) *whose treatise "De Jure Connubiorum" was published in* 1664. *Although the main object of the book was to expound the marriage laws of the Netherlands, the book also deals with marriage among the Hebrews, Romans, Germans and other European nations, and with the Canon law. To decide a legal question of marriage between Bantu in the twentieth century, the court may refer to a writer on Roman-Dutch law in the seventeenth century.*

Kingwilliamstown: 9 August 1939. Before A. G. McLoughlin, Esq., President, Native Divorce Court.

McLoughlin, P.:

Plaintiff sued Defendant for restitution of conjugal rights failing which for divorce on the ground of malicious desertion.

Defendant admitted leaving Plaintiff because he would not pay his *lobolo*. She was now with her people awaiting adjustment of the matter of *lobolo*.

In his evidence Plaintiff stated that his mother was living with him, the only son, at East London, and his wife was not on good terms with her.

He originally paid one beast on account of dowry. Defendant's brother came and demanded more dowry. Plaintiff offered £2 10s. which sum was refused, the amount demanded being £5, and thereafter Defendant was *teleka*-ed.

Plaintiff made no attempt to meet the demand of Defendant's people for dowry and did not *putuma* her. Instead he went to the Native Affairs Department, East London, and the summons instituting this action was issued.

Plaintiff's only other witness was his mother, who corroborated his evidence to the effect that Defendant's brother came demanding £5 on account of *lobolo*, refused the £2 10s. offered, and thereafter took away the Defendant with her belongings.

Analysis of Brouwer's definition of malicious desertion (*De Jure Connubiorum*. Lib. 2 Cap. 18 N. 12) followed in *Webber vs. Webber* 1915 A.D. p. 239, makes it clear that the Defendant cannot be regarded as a malicious deserter.

He says "*Malitiosus desertor est, qui nulla justa aut necessaria causa coactus, ex anima quadam levitate et malitia, vel impatientia freni conjugalis, uxoris et liberorum curam abjicit, eos deserit, et oberrat sine animo redeundi.*"

A malicious deserter is one who, constrained by no just or necessary cause, but owing to a disposition approaching fickleness and ill-will, or through impatience of the marriage tie, casts off the care of wife and children, forsakes them, and wanders about with no intention of returning."

Now it may be contended that non-payment of *lobolo* is not a just cause for detaining a wife under the *teleka* custom, because of the Civil or Christian marriage. For by analogy non-payment of *dos* to the bride's parents gave rise to no cause of divorce, for by Civil law, marriage is begun in and rests on consensus not wealth, and is constituted without the dowry. "*Multa minus conceditur divortium XXX vel dos promissa ab uxoris parentibus non solvitur : animum non opibus initur et nititur conjugium, et sine dote consistit.*"—Brouwer: De Jure Connub. 11 Cap. ult. A. 23.

But the definition of malicious desertion, given by Brouwer in the above extract and repeated by him in the last chapter of his book, dealing with the position obtaining in Holland, emphasises the fact that there is no desertion if one spouse leaves the other for just or necessary cause and not with evil or idle purpose or impatience of the marriage tie, forsaking the other spouse and the family with no intention of returning.

In the present case non-payment of *lobolo* is a matter which goes deeper than the question of wealth. It is a matter directly affecting the dignity of the female spouse. In Native society it would incur odium and there is here rather analogy with the principle involved in such cases as *Duncan* vs. *Duncan*, 1937 A.D. 310 and *Theron* vs. *Theron*, 1924 A.D. 244 where the conduct and the unreasonable attitude of the husband is responsible for making cohabitation *ondragelijk*. It is difficult to convey to a European mind not versed in Native custom the reaction of the wife on this question of *lobolo* or its absence. To the Native the position is perfectly clear and the wife is, in their system, justly detained for non-payment.

This Court though basing its practice on that of the Supreme Court, must have regard to Native mentality, if not Native custom, in dealing with the human factor. This aspect was fully discussed in *Gama* vs. *Gama*, 1937 N.A.C. (T. & N.) page 77.

In the present case the wife has not left her husband, home and family with an evil intent of abandoning them and never returning—she is ready and willing to return as soon as Plaintiff makes it possible for her to do so with dignity.

Following the ruling in *Gama* vs. *Gama* the Court absolves the Defendant from the instance with costs.

JACKSON SONQISHE v. BRANSBY SONQISHE, 1943 N.A.C. (Cape and O.F.S.) 6.

This case illustrates some of the complications that arise from the well-known custom whereby a father allots a daughter, i.e., the lobolo to be received for her, to a particular son. The plaintiff here is an eldest son and heir whose own deceased father, he alleges, was entitled to the lobolo of his aunt. His claim is contested by his uncle, who alleges that the lobolo of his sister (plaintiff's aunt) was alloted to him during his father's lifetime. Whether the allotment was made many years ago is a question of fact that had to be decided in the light of the usual practice followed by Natives on such occasions. The court decided it in favour of the original plaintiff, reversing the decision of the Native Commissioner in the court of first instance.

The reference to Seymour's "Native Law and Custom" (p. 113) reads as follows:—"When allotting daughters to different members of his family, it is customary for a father to consult all interested persons. This however is not absolutely necessary, and a father need not consult even the heir to whom the allotted girl would otherwise belong." Seymour cites the case of Nyakata v, Dabula, which was heard in the Appeal Court at Kokstad in 1903.

See also Whitfield's "South African Native Law", pages 45, 46, and 341.

Kokstad: 1 February 1943. Before J. W. Sleigh, Esq., Acting President, Messrs. M. Israel and J. M. Rothman, Members of the Court.

Appeal from the Court of the Native Commissioner, Mount Frere:

Sleigh (Acting President) delivering the judgment of the Court.

The dispute between the parties concerns the dowry of a girl Janet. The facts, which are not disputed, are as follows. The late Philip Sonqhishe had only one wife, Georgina. They had three sons, James, Jackson (defendant) and Gray; and five daughters, Cecilia, Grace, Mary Ann, Janet and Jocely. Plaintiff is the eldest son of James. Janet was born about 1903. About the year 1923 and after Philip's death, Janet became engaged to one Nabi Nonganga who paid seven cattle as dowry to James. At this time the whole family was still living at Philip's kraal. Janet rejected Nabi who brought an action against James for the return of the seven cattle. The record of this case, which has been put in, shows that judgment was given in favour of James, but both sides now say that the seven cattle were returned to Nabi. Subsequently one Albert Ncapai desired to marry Janet and paid two cattle by word of mouth to plaintiff, but nothing came of this engagement. Defendant says that he was not aware of this engagement. Janet attended the Tsolo Industrial School and the fees were paid by defendant. About 1938 Janet became engaged and married James Mbebe who paid nine cattle and two horses as dowry. At the time she was living at defendant's kraal and was married from the kraal, defend ant supplying her with a marriage outfit valued at £38. The marriage took place while defendant was in Johannesburg, and on his return, about 1940, plaintiff demanded the cattle from him. One of the dowry had died and there had been two increase. Defendant refused to hand over the cattle and claimed that Janet had been allotted to him by his late father Philip. The Acting Native Commissioner was not satisfied that the allotment had been made and gave judgment for plaintiff for ten cattle or their value, £50, and two horses or their value, £20, and costs. Defendant now appeals on the merits against this judgment.

The onus of proof is of course on defendant, and it has been repeatedly held in this Court that where a party to an action alleges facts which are at variance with normal Native custom, these facts must be proved by strong and convincing evidence. The evidence given by defendant, Janet and Gray is as follows. About 1911 their father Philip called his family together and allotted Grace to James, Janet to defendant and Jocely to Gray. Cecilia was then already married and Mary Ann had eloped. They state that defendant maintained Janet and paid her school fees, and that about 1924 defendant established his

own kraal where his wife and Janet then went to live. They state that the people who were present at the allotment were Philip, his wife Georgina, Philip's brother Thomas and his sons James, defendant and Gray, and that the girls Grace, Janet and Jocely were called into the hut where the discussion took place and were informed of the allotments. Of the people who were present Philip, Georgina, Thomas and James are dead. The record does not disclose whether there were other relatives in the Transkei who could have been called to the meeting. Dasayi, who at that time lived in Bolotwa Location in Idutywa District, is presumably the same person as Dasayi Nongana who gave evidence for plaintiff, but he is merely related to Philip by marriage, his father having married Philip's sister. Gray states that James received Jocely's dowry for the reason that he married before her and he requested James to pay his dowry on the understanding that the latter could reimburse himself by taking Jocely's dowry. There is nothing unusual in this. He has no axe to grind, as he is not to-day claiming Jocely's dowry. He works in Johannesburg where he has been since 1927. It is, therefore, improbable that he would give false testimony against plaintiff who must be regarded as the head of the family, unless there is a good motive and there is admittedly none.

The custom of allotting daughters to sons is well established. It has acquired a two-fold object, namely, to enable the sons to *lobola* for their own wives with the dowry received for the daughters, and to relieve the father of the expense of maintaining and educating the daughters. This being so, the admitted facts that Janet was living at and was married from defendant's kraal, that he paid her school fees and that he provided her marriage outfit, require explanation. Defendant and Janet say that she had been living at his kraal from 1924 to 1938. Plaintiff and his mother Esther deny this, but they contradict themselves. They first say that Janet was married from James' kraal, but later had to admit that this was not so. If Janet had not been allotted to defendant it is unlikely that he would have assumed responsibility for her education without some prior agreement with James for reimbursement of the expenses to be incurred. And, lastly, if defendant had provided the marriage outfit on behalf of plaintiff, he would have disposed of some of the dowry cattle to defray the expenses and would not have paid for it out of his own resources. Plaintiff and his witnesses say that they never heard of the allotments, and that no claim was made when Nabi paid dowry for Janet. Plaintiff's age is not given but if the dowry for his mother was paid out of Grace's dowry, then his mother must have been married after the allotment. Consequently, one does not expect them to be able to give positive evidence that no allotment had been made, but it is significant that not a single member of Philip's family has come forward to support plaintiff's case. He had to rely on Xetywa and Dasayi, the one merely a member of the same clan and the other related only by marriage. Neither of them would have been consulted by Philip in regard to family matters. The evidence of the headman does not carry the case any further.

Plaintiff further points to the fact that James and not defendant was sued by Nabi for the return of the engagement cattle. There is nothing strange in this, since the dowry was paid to James at his kraal and he was in control of the cattle at the time of the action.

It has been urged on behalf of respondent that Philip should have called all his relatives to witness the allotment, and his failure to do so was contrary to Native custom, but it is clear from the authorities cited by Mr. Zietsman, for appellant, that this is not so. The allotment of girls is a family, not a public matter, and only the persons directly affected by the allotment should be present and even this is not absolutely necessary (see Seymour's *Native Law and Custom* at p. 113; *Pato vs. Pato*, 2 N.A.C. 25; *John Bomela vs. Isaac Bomela*, 4 N.A.C. 71, and *Manjingolo vs. Manjingolo*, 4 N.A.C. 168).

We are satisfied that the allotment was made and defendant is therefore entitled to Janet's dowry.

The appeal is allowed with costs and the judgment of the Court below altered to one for defendant with costs.

ANDREW RAMNCWANA v. GOLI SIYOTULA, 1937 N.A.C. (Cape and O.F.S.) 172.

In this case Plaintiff was married to Regina under the Common law and they had a daughter, Margaret. Twenty years ago they parted, Regina going to live at the kraal of her younger brother, the Defendant. When Margaret got married in due course, the dowry cattle paid for her were pledged by Regina to a trader in return for her daughter's wedding outfit. Later Plaintiff, Margaret's father, claimed the dowry or part of it, from Defendant. An interesting feature is Defendant's plea that Regina, Plaintiff's wife, had the right, well established under the Common law, to pledge her husband's credit for household necessaries. As an alternative defence, he pleaded that Plaintiff himself had not finished paying dowry for Regina (although they were married in 1910 *and this case was heard in* 1937) *and that the balance due could be counter-claimed by him as Regina's brother. Somewhat surprisingly, the court held that the fact that Plaintiff and Regina had lived apart for twenty years did not in the circumstances prevent him from claiming the dowry for his daughter. Compare this decision with the later case of Shabangu* v. *Masilela*, 1939 *N.A.C. (Natal and Transvaal)* 86 *(quoted in my article in "Bantu Studies", March* 1941, *pages* 19 *and* 20.)

Umtata: 12 June 1937. Before H. G. Scott, Esq., President, and Messrs. W. J. G. Mears and W. F. C. Trollip, Members of the N.A.C.

Appeal from Native Commissioner's Court, Qumbu.

In the Court below plaintiff (respondent) sued defendant (appellant) for the delivery of 12 head of cattle or their value, £60, being dowry paid to defendant for plaintiff's daughter Margaret.

Defendant eventually filed an amended plea to the following effect:—

1. He admits Margaret's marriage but says that only eleven head of cattle of her dowry are in existence. He says the dowry was paid to plaintiff's wife, Regina, and is registered in her name.
2. He says that Regina, to whom plaintiff was married by Christian rites in 1910, pledged seven head of the dowry cattle to a trader for the wedding outfit of Margaret and that he is not responsible for her actions and that the parties are of good social standing and the wedding outfit purchased is not excessive and are necessaries.
3. That in regard to the balance of four head of cattle admitted to be in existence by defendant, he says that when plaintiff married Regina, he paid 10 head of cattle and one horse as dowry and undertook to pay the balance of six head when his daughter married and he pleads a set-off in respect of these cattle.
4. That Regina was driven away 20 years ago by plaintiff and ever since then defendant has maintained her and her two children and he claims to set off against Margaret's dowry *isondlo* due under Native custom.
5. In the event of his contention in paragraph 2 being disallowed, he prays that any stock which is due in terms of paragraph 3 of her plea, be set off.

The Assistant Native Commissioner entered judgment in favour of plaintiff for 9 head of cattle or their value £45 (after making allowance for 2 head for maintenance and one which died.)

Against this judgment an appeal has been noted on the following grounds:—

1. (a) That the Assistant Native Commissioner erred in law in holding that defendant was liable in respect of the 7 head of cattle pledged by Regina, the lawful wife of plaintiff, to Mr. C. G. Burns. That the said Regina is in law by reason of her status as a spouse by Christian rites entitled to bind her husband for necessaries, as in fact the wedding outfit of plaintiff's daughter, Margaret, was proved in the circumstances to be; that plaintiff was liable for her said action and cannot now claim to be re-imbursed from the defendant.

   (b) Erred in law and fact in respect of the 7 head of cattle pledged to Mr. C. G. Burns by the said Regina in that no effort was made, as stated by the Assistant Native Commissioner, by the defendant to deprive the plaintiff of possession, solely with the purpose and whereas in actual fact it was proved that

plaintiff knew of the pledging of the said 7 head of cattle and took no immediate action to restrain his wife, Regina, or defendant from doing so. That plaintiff's silence and subsequent inactivity was a tacit ratification of his wife's action and he is now estopped from claiming the said 7 head from the defendant; that defendant has not benefited from the pledging of the said stock; and that the action of plaintiff's wife was one that plaintiff would have had to take if the said Regina had lived with him and he was in charge of the said Margaret's marriage; that the same applies to the stock slaughtered for the wedding ceremony.

2. That the Assistant Native Commissioner erred in holding that defendant was liable under Native custom for 7 head of cattle pledged to Mr. Burns, particularly by reason of plaintiff's civil liability ensuing from plaintiff's action in the circumstances arising from the Christian marriage and generally on the ground that the time has now come to put into effect the policy of Native Administration slowly to mould Native custom to our Common law. The evidence goes to show that the parties are educated Natives who have adopted European habits and mode of living and are ripe subjects for the aforesaid avowed policy of our Administration.
3. (a) That the Assistant Native Commissioner erred in fact in holding that there was no balance of dowry due by plaintiff to defendant for his wife, Regina, and that his judgment hereanent for plaintiff was against the weight of evidence and probabilities of the case.

   (b) That the Assistant Native Commissioner erred in fact in holding that by awarding defendant the balance of dowry claimed he would be acting contrary to custom as it would have the effect of placing defendant in possession of the woman and the dowry as this custom presupposes; that the marriage in question has been dissolved and without fault of the husband, which are not facts in the present case.
4. That the Assistant Native Commissioner erred in placing an alternative value of £5 per head on the 9 head of cattle found by him to be due.

The Assistant Native Commissioner has found the following facts proved:—

1. That plaintiff married Regina by Christian rites about 1910.
2. That some six or seven years later Regina returned to her father's kraal, taking with her her daughter, Margaret, and a son.
3. That defendant, Regina's younger brother, is now head of the kraal at which Regina resides.
4. That Regina and her two children have lived at defendant's kraal for some twenty years.
5. That Margaret has recently married and that twelve head of cattle were paid as dowry.
6. That of these one died and seven were pledged by Regina in respect of Margaret's wedding outfit.

We are in agreement with his findings of facts but we are of opinion that the evidence discloses the additional facts:—

1. That the dowry for Margaret was paid at defendant's kraal, and that he is head of the kraal and in control of the stock.
2. That plaintiff was not consulted in regard to the marriage of Margaret or the disposal of the dowry paid for her.
3. That the parties are Hlubis and follow Native custom.

The evidence as to the amount of dowry paid by plaintiff for his wife, Regina, is contradictory. Defendant alleges that only 10 head and a horse were paid and that plaintiff specially agreed to pay a further six head when his daughter got married. Plaintiff, on the other hand, says that he paid 14 head and a horse, that the 14 head increased by four before marriage and that according to Hlubi custom the increase count as dowry. He denies that he made a special agreement to pay a further six head, but admits that there was no necessity for a special agreement in view of the fact that according to Hlubi custom, dowry is fixed at 20

head of cattle and a horse. He contends that as his wife deserted him no further dowry is payable.

It does not seem to make any difference which of the two stories in regard to dowry is the correct one for in either case there would still be a balance of six head unpaid.

In regard to the statement about the increase this is denied by the defence and we are not satisfied that there was any increase. The question as to whether according to Hlubi custom any increase of dowry cattle before marriage counts also as dowry does not come up for consideration.

Plaintiff's assertion that his wife deserted him is not credible in view of the fact that for 20 years he had made no effort to get her back nor has he taken any steps in regard to her alleged adulteries.

Regina's story that she was driven away is the more probable. His claim in respect of Margaret's dowry would not be affected in any case.

In regard to ground 1 (a) of the appeal, the claim in this case is one for dowry which must be treated under Native law and custom. Defendant is head of the kraal and is the proper person to account for the dowry paid at his kraal in respect of Margaret. He cannot avail himself of the defence that plaintiff's wife had authority under Common law to pledge her husband's credit and incur expense at Burns's shop in respect of a wedding outfit thereby disposing of certain 7 dowry cattle. Further, the expression "necessaries" does not in law apply to such transactions as those mentioned, and in any case is not a matter which defendant can raise against the plaintiff.

Ground 1 (b) raises a plea of estoppel. This is one which should have been raised in the Court below and cannot be taken for the first time on appeal.

The second ground of appeal falls away as the parties admit that they have not abandoned Native custom and under that custom a person who marries off a girl without the consent of her guardian does so at his own risk and has no claim to re-imbursement of wedding and other expenses.

In regard to the third ground we are of opinion that the Assistant Native Commissioner erred in finding that the fact of plaintiff and his wife having lived apart for 20 years disentitled the defendant from claiming the balance of the dowry due in respect of the marriage of plaintiff to Regina. Plaintiff admitted that six head of cattle were due thereon but claimed set-off of four increase to the dowry before the marriage took place.

As already stated the Court is not satisfied that there was such increase. Notwithstanding their protracted separation there is nothing in European or Native law to preclude plaintiff's claiming the return of his wife nor is defendant on the contrary barred by Native custom from claiming the balance of dowry due.

The Assistant Native Commissioner rightly found that defendant is entitled to two head of cattle for *isondlo* in respect of the two children, Margaret and her brother.

In so far as the fourth ground of appeal is concerned, this Court is of opinion that defendant suffers no prejudice owing to the value of the cattle having been fixed at £5 each as they are still in existence and he can deliver them.

The appeal is accordingly allowed with costs and the judgment of the Assistant Native Commissioner is amended to read:—Judgment for plaintiff for three head of cattle or their value, £15 (that is, 12 head less 6 due as balance of Regina's dowry, 2 *isondlo* cattle and one which is dead) with costs of suit.

COLONIES FROM THREE ANGLES

G. V. O. BULKELEY

It is singularly fortunate that these two books[1] should be presented for review together. Apart from both having an American connection, the first is almost indispensable as an introduction to the second and in enabling the quality of its content to be assayed.

It would be merely fragmentary, and possibly misleading, to quote from Lord Hailey's lectures, each of which is clear and concise and in which is no dispensable word. In book form they are an introduction to any study of colonial government and of administrative effects upon those races whose culture has remained rudimentary, has been retarded, or has retrogressed from some ancient civilization.

The students of Princeton University were fortunate in securing these erudite and enlightening addresses, which should also go far to illuminate and subsequently to dispel any illusions which some of them may have held as to the task and integrity of colonial governments grappling with the unspent impact of the present day upon the apparent simplicity of Native tradition, but which on investigation proves to be almost infinitely complex, part repugnant, part claiming retention. The scope of these addresses excludes the self-governing Dominions of the British Commonwealth and the potential Dominion of India. It extends only to those territories whose administration is in the last analysis controlled by an external power. Inasmuch as any self-governing Dominion nurtures within its borders, or has mandated to it, retarded Native races, the study presents fresh angles and a warmth of constructive thought.

Briefly, these addresses sub-divide into (i) a discussion of present-day influences, political and economic, which are affecting and moulding international opinion relative to colonial affairs; (ii) the factors which must affect future colonial policies; (iii) existing administrative systems of the controlling powers, and (iv) the alternatives and probabilities inherent in the post-war colonial panorama and the development of the Native peoples.

Almost all colonial territories have potentialities but natural resources are of little service to inhabitants who are not uniformly resourceful; or if derived income be sectionally dissipated while preventable social distress remains unalleviated. Here is a problem which touches all Africa.

The Atlantic Charter and Africa from an American Standpoint is an important publication. Its credentials are imposing and it will assuredly be widely studied by administrators throughout Africa. In this review it is proposed to examine the American background to the report; briefly to enumerate the eight points of the Atlantic Charter and the implications derived therefrom by the Committee, and to advance some principles which appear to be necessary to their implementation in Africa.

The question may be asked—and perhaps particularly in South Africa—why an authoritative body of some thirty United States citizens should undertake the intensive study and labour embodied in this report, when the United States itself has no territorial responsibilities on the African Continent. Reasons are not lacking. The United States is signatory to a number of conventions affecting Africa; it has increasing commercial interests in Africa which impose responsibility for local labour conditions; it sponsors a number of Christian Mission undertakings (the McCord Zulu Hospital in Durban is a prominent example) while, under present war conditions, its nationals are intensively utilizing and improving African trans-continental routes

[1] *The Future of Colonial Peoples* by Lord Hailey. (Oxford University Press). London: Milford. 63 pp. 3s. 6d.
The Atlantic Charter and Africa from an American Standpoint by the Committee on Africa, the War, and Peace Aims. (Phelps-Stokes Fund. New York). 1942. 164 pp. Obtainable from S.A. Institute of Race Relations, Johannesburg. 5s.

for air and surface transport, and supplying, under Lease-Lend, military requirements for the defence of Africa.

The most cogent reason is that one-tenth of the population of the United States is of Negro African descent and comprises the largest community of educated Negroes in the world. Taking some available figures,[1] their advance in the sixty years from 1866 to 1926 is reflected thus :—

	1866	*1926*
Population	5,000,000	11,000,000
Homes owned	12,000	700,000
Farms operated	—	1,000,000
Businesses conducted	2,100	70,000
Wealth accumulated	£4,000,000	£400,000,000
Percentage literate	10%	90%
Students at schools	100,000	2,150,000
Negro churches	700	47,000

Up to the middle of last century, the Negro in the United States was living in a state of absolute subjection. His advance has been made in the face of a colour prejudice which is only now becoming easier and more tolerant.

Perhaps the best background to this report may be found in the words of Mr. Cordell Hull when, in his address to the Pan-American Union on April the 14th, he said :—

> " Our own unity comes from passionate devotion to human liberty and national independence which is so strong that it does not stop with the effort of each people to secure liberty for itself, but goes on to respect as no less valid the desire of other peoples to achieve the same liberty in accordance with their own traditions and historic institutions."

To review the affairs of Africa is to become aware of similarity to the paradox of photography where the reversed shades of the negative are transmuted by light into the clear tones of a positive picture. So with the problems of Africa ; the searchlights of present day international scrutiny are shining through the dark places and will not lack an impingement upon receptive minds.

[1] *The Future of the Negro*, by Sir Gorden Guggisberg and A. G. Fraser, page 20.

Throughout this report, the Committee take it for granted that the African possesses potentialities for graded development and that his backwardness is a natural one due to his long isolation from the gradual progress of the world at large. This is all to the good. For too long public intelligence has had inflicted upon it " the fallacy, long exposed but still dying hard, that the African peoples are incapable, by some serious, undefined limitation, of benefiting by anything but the most elementary education ".[1] Such dogmatizing was always specious ; it is now shown to be spurious. Too often it has been used as an excuse for repression. Today we see before us an ever broadening beam of African enlightenment. From the Negro governor of a French territory ; through the legal, medical and administrative professions and the skilled artisans of West Africa, the Native African is showing that under selective training he is very much as other men.

The Committee intend that their suggestions as to the application of the Atlantic Charter to Africa shall be read in their entirety. It would be unfair to their work to present a potted edition. Within the scope of this review, it is proposed to state the eight points in the phraseology of the report and briefly to indicate the implications advanced in principle by the authors.

Point One.—No territorial aggrandizement.

It is urged that not only territorial but also commercial aggrandizement should be abandoned.

Point Two.—All Nationals to be consulted prior to territorial change.

It is urged here that rights of Native Africans should invariably be safeguarded and their natural leaders consulted.

Point Three.—Form of government to meet popular approval.

The traditional forms and sanctions of African life should be examined and understood. Advanced forms should be carefully grafted on to the best of these, rather than forced in a form which cannot be understood of the people.

[1] Op. cit. page 72.

Point Four.—Equal access to raw materials.

The view is advanced that the profits of the White man's undertakings should be limited under law so that more than hitherto should be available for higher wages to African workers and for the housing of their families.

Point Five.—Economic collaboration and protection of labour.

The implications put forward in respect of Native Africans are :

(a) Land rights in sufficiency.
(b) Free choice of employment at a living wage.
(c) Economic welfare and the establishment of local Native industries.
(d) Agricultural sufficiency.
(e) Legitimate commerce and development as opposed to exploitation.
(f) Decent housing and hygiene.
(g) Protective guarantees following existing Mandate principles.

Point Six.—Freedom from want and fear.

It is shown how the vast majority of Africans still live their lives under fear. Fear of inadequate land ; fear of insufficient family food ; fear of lacking medical services ; fear of lacking education for their children's future ; fear of insufficient cash to meet taxation and fear of want in old age.

Point Seven.—Freedom of travel.

The hope is expressed that in future no restrictions will be placed in the way of responsible American Negro missionaries and students visiting African territories.

Point Eight.—Abolition of force and a permanent system of security.

The Native African today is helpless in the face of wars entered into by the governments of African territories. In seeking peace and security, it is urged that inter-territorial meetings be frequently held in Africa and widened to include consultation with responsible African leaders.

From the foregoing staccato rendering, it will be seen that the Committee envisage wide action. Their presentation and phrasing are, however, moderate : no minatory or provocative statements find any place in the report.

While a widening participation in their own government is regarded as an essential and fundamental aim for the African peoples, no credence is given to those few visionaries—neither original nor representative—who urge one hundred per cent participation now and today.

Rather do they subscribe to the reasoning reflected in the recent speech of Mr. A. H. Villard[1] in which he referred to " the chaos and confusion which would result from casting adrift on the uncertain political scene great numbers of inexperienced people."

What then constitute essentials under which the Committee's implications based upon the Atlantic Charter can be progressively realized by the African Native races ?

A successful and distinguished administrator of African territories, Sir Donald Cameron, held the view that no government of African territory should rest content until every Native African therein could read, write and understand simple figuring. For only thus can they be enabled fully to understand and practise necessary advances in hygiene, sanitation, agriculture and other pursuits. In other words : a long range educational programme.

One basis for progress then is education. Schools everywhere ; each school undertaking community work by assuming responsibility for the progress of a contiguous village, thus relating the school to the village by bringing to it advantageous knowledge of better sanitation, hygiene, first aid, vegetable growing and the like.

A second essential basis is better food and much more of it. It has just been stated by a medical specialist in South Africa that were Bantu fed adequately upon nourishing and protective foods up to the time when they undertake physical work, and thereafter, tuberculosis would die out biologically.

A third basis is medical attention readily available. Regional hospitals, with smaller hospital-clinics widely distributed and associated, wherever

[1] Before the Chantanqua Institute, New York.

possible, with missions and other institutions which already enjoy Native confidence.

A study of the report under review leads to the inference that the Committee had these fundamentals in mind. Given them, the Native African people would be enabled to enter into their heritage and pride of race.

Quoting from Lord Hailey's book first reviewed:

> "They (the colonial races) have been described with some justice as a procession of peoples in which great distances separate the van from the rearguard: the procession must move forward and we need not seek to assign any limit to the distance it may advance: its members may change places, but there will still be a van and a rear."

Essentials which, on the Biblical principle, may be cited last because their emphasis places them first are the friendly co-operation of the White races throughout Africa; together with the emergence of responsible African leaders of similar calibre to those in the United States of America.

The penetrating analyses of international thought are dispelling old shibboleths. It becomes clear that step by step development of the African peoples, sanely directed, cannot preclude retention by resident White people of essential culture and living standard.

It is seen that all are steps upon the same ladder leading to an Africa independent of immigration and prosperous under a full use of her human potential. For while Africa comprises the potentialities of all races, no single race can comprise all the potentialities of Africa.

Concluding their proclamation of Atlantic Charter principles; the Committee briefly review present-day systems of administration in colonial territories. While this is necessary to round off the publication, it is done more fully and instructively in Lord Hailey's book.

At the end of the Committee's report is included a chronological schedule of salient events in African history from the beginning of record. This has been compiled by Dr. Edwin Smith (of *Golden Stool* fame) and must be the most comprehensive and useful African chronology yet published. The presentation of the pageant which it displays is not only historical but histrionic.

The third book[1] on our list is a contentious one; purposely so. It is about African colonies and East Asia soviets. It seeks to display analogy through allegory and takes the form of imaginary conversations between an experienced member of the Russian Government and representatives of British Colonial Territories in Africa; the author of the book contriving to be present at the discussions.

The protagonists are nothing if not outspoken and the reader may well wonder how they avoided open quarrel. It is clear from some passages that hypothetical tempers were wearing hypothetically thin.

Some reviewers have waved this book aside with the statement that the analogy is not analogous; but the book cannot thus be airily dismissed. Were the treatise a sermon, the reader would first look for the text. It is there and reads thus:—

> "Rulers can only win the devotion of the ruled by serving them and sharing power with them."

The main thesis of the book is that, in the world conditions which will establish themselves after the war, no country or its colonies will be able safely to neglect full, complete realization of their total human potential, and that such all-embracing development and progress within a territory can only be attained and maintained by a willing, planned and sustained association of all (from the most intellectual down to the least cultivated) in both government and productive effort. In other words, it is argued that the day of an elite intelligensia as a ruling caste is over; that it has flowered and cannot flower again; that its contribution lacks continuity; that its effort has been made (and not ill-made) until it has become effortless and a spent force whose retention can only be sectional and self-seeking and will lead to national disaster.

This is a challenging contention which at least

[1] *Soviet Light on the Colonies*, by Leonard Barnes. A Penguin Special. 1944. 288pp. 9d.

merits analytical examination in the light of Russian colonial achievement in Asia, which the book advances, and other sources of evidence. Its application to the continent of Africa (which, it is claimed, is "only working on one cylinder when it might be working on six") offers a wide field for discussion and debate.

A third of the book is devoted to a spirited discussion as to the relative merits of the classical British colonial system of "indirect rule", now known as Native Administration (or Native Authorities) and the colonial village soviets of Eastern Asia speaking many languages and comprising many degrees of culture from the primitive and illiterate upwards. The protagonists are supposed to be a British colonial judge from Tanganyika and a member of the Russian government on a tour of Africa. The charge is made that the favourite Anglo-American phrase of "trusteeship for backward peoples" means nothing in terms of progress, because it neither sets a goal nor compels events. That, in actuality, it is a nebulous nothing, an airy altitude of the political mind justifying an indeterminate period of standing still.

The book embodies a novel form of economic and political presentation by electrical analogy. Thus, the behaviour and potentiality of a person in a social community is likened to a vector in an electrical field. Again, the constructive thought that should permeate a territorial administration and the people administered is compared to an electric current, it being emphasized that the circuit must be closed and the current alternating if all available power is to flow. From this analogy and the diagrams (pages 107 and 108) it is claimed that while under the British Colonial system of Native Authorities the power current is only alternating as between the home government and the colonial government, under the soviet village system the power circuit links and is reinforced by meetings and discussions among the people themselves, added to by the sectional sub-stations (as it were) right up to the Supreme Soviet whence it returns in the form of laws.

This criticism appears to be wilfully severe. No one with real knowledge of what occurs will agree with the diagram purporting to represent the British colonial system. To say that under it the African people's wishes are like damped-down boilers, silent but ready to burst into high pressure on the stir of a political shovel, is all wrong. Under the Native Authorities, discussion among the people goes on continuously with village verbosity. The Native Authority Councils are made well aware of this and reflect it. The people are not only vocal but often vociferous.

A point to be noted in regard to the Union of South Africa is that while within its borders individual ability latent in Native communities is unknown, unsought for and therefore unused; in the Soviet villages it is searched for, developed and utilized to strengthen the nation. Throughout the book an impression grows that while under Soviet administration there is no room for loafing, there is scope for laughter. In our western State undertakings lassitude is not unknown nor laughter dethroned by dullness.

A word of caution is necessary. In attempting to draw analogy between the problems which faced the Soviet revolution and those facing the western nations, it is often forgotten that the high-speed results attained by Russia were secured under administrative methods which, while spectacular in their results, are foreign to western political thought and principle. They were—(i) A ruthless, abrupt confiscation of private property and destruction of capitalist enterprise in production. (ii) A ruthless reorientation under which the total population was required to obey dictatorial orders. (iii) A severe retaliation against all who resisted or took an independent path. For example; in the obliteration of the *kulaks* (the large Russian farmers) Stalin, in his speech to the Conference of Marxist Agrarians on December 27th, 1929, said.[1] ". . . . . To attack the *kulaks* means to smash the *kulaks*; to liquidate them as a class. Without these aims, attack is a declamation, mere scratching, empty noise, anything but a *bolshevist* attack. To attack the *kulaks* means to make proper preparations and then deliver the blow; a blow from which they

[1] *Stalin's Kampf* pp. 154-156 (Jarrolds: London)

could not recover. That is what we *bolshevists* call a real attack." And later in the speech—"No less ridiculous is the other question whether we can admit the *kulak* into the collective farms? Of course not, as he is the sworn enemy of the collectivization movement. That would appear to be plain."

It would seem that the *kulaks* were deliberately ruined. In the book under review, the Russian spokesman says, on page 75, "As for the individuals composing the various groups of ex-owners it was always open for them to remain with us as citizens, enjoying equal status with our workers and peasants. If some preferred to go abroad, that was presumably because they rated social equality as a worse evil than exile." This is surely special pleading. While we shall probably never know all concerning those grim days, was it not from the terror hard upon their heels that they fled into sordid exile: a terror which held that their bodies were meet for swift corruption because their minds had been developed under a corrupt social order?

Reform was long overdue. Many landowners were unbelievably harsh and *kulaks* rapacious. But they had done nothing which transgressed the legalized social structure into which they had been born and which allowed private ownership and a profit and loss account. They would have been less than men had none tried to defend himself and his family against the prospect of abrupt, irredeemable bankruptcy.

The collective achievements of the Russian Soviet State are stupendous and stupefying. That they have welded into a great inter-locking cohesion a wide diversitude of peoples is plain for all the world to see, reflected as it is in a total war effort which has aroused the sincere admiration and gratitude of all free people. But whatever the western nations may (and they will) learn and borrow from the Russian system, it is today hardly within the compass of their national judgment to seek the mitigation of admitted disadvantages under which one section of the people suffer, by an abrupt and ruthless immolation of the individuals comprising another section. While there is little doubt but that the remainder of this century will and will rightly witness a steady—and at times revolutionary—upward progress of millions now repressed or deprived of their human rights; it will probably be found that the western nations will, under a more sober rule of law, utilize less abrupt but no less sure methods acceptable to their temperament.

In the book under review, the detail given and expounded regarding the constitution and everyday working of Russian village soviets should be of real value as existing Native Authorities in African colonies are expanded; as they must be and as was envisaged by Sir Donald Cameron in his Tanganyika adminstration. He wrote[1]:—

> "It would be a great misfortune if local Native Government on tribal lines were permitted to hinder the political development of the people."

Again:—

> "The Native Authorities in their present form should be regarded as stepping stones; their success, or otherwise, to be gauged by the measure in which they succeed in strengthening the fibre of the people they are designed to serve."

Probably the most arresting pages in this book are those from 180 to 195 which purport to present verbatim a speech of the Russian traveller to an informal assembly of European miners in Northern Rhodesia. This speech closely and cleverly argues the point of view presented by the book as a whole. *Inter alia*, it advances an entirely novel aspect of the colour bar and we are told that it is an empty phrase camouflaging an international repression.

The book is a Penguin Special and within the reach of everybody. All who seek to look ahead in African affairs should obtain a copy and read or dip into it, observing their personal reactions. They will be varied ones.

[1] *My Tanganyika Service and some Nigeria* p. 116. (Allen and Unwin).

BOOKS IN REVIEW

The Realm of a Rain-Queen. A Study of the Pattern of Lovedu Society. By E. J. and J. D. KRIGE. *Oxford University Press.* London: Milford. 1943. 336 pp. 21s.

The authors in this book "describe the culture of the Lovedu" and warn us that "too much must not be expected of the present volume." It is a general account of a Northern Transvaal tribe—the people of the famous Queen Mujaji—written on the general plan represented in South African literature by books such as Hunter's *Reaction to Conquest* and Stayt's *Bavenda*. That is, it tries to cover briefly many social relationships, aspects of culture, and rituals. It is, in a more advanced form, the type of monograph which characterised the Junod period, utterly unlike the style of work which deals with one aspect of a culture. The general work is surely the poorer form. Stayt's *Bavenda* is now supplemented by this book to give us a fairly good picture, to which the Kriges say they will later add, of the Northern Transvaal tribes. The ethnographic area now requires to be filled in on the Portuguese and Rhodesian sides.

We learn here of a Southern Bantu culture, with northerly affinities, which is very different from all those previously described: Tswana, Mpondo, Zulu, Swazi, Xhosa, Basuto, even Venda and Tembe-Thonga. The difference lies not in the royal queen, who is the great rain-provider of eastern South Africa: the Swazi Queen-mother's role can be paralleled to some extent. But the Lovedu queen is a powerful ruler without force or armies. The spirit of her people is not that of the ambitious warriors and lawyers we know among other Southern Bantu. The emphasis of the culture is on moderation, on mediocrity, on conciliation and compromise. Further, as far as I can judge, the patrilineal lineage with a structural depth of four or more generations does not exist here, as it does among most other South African peoples. Finally, Lovedu population is denser than that of most other tribes.

The theory which underlies the presentation of material may be described as Malinowski's functionalism on the basis of comparative research in a culturally heterogeneous area, together with the Benedict "pattern of culture". The most interesting theme is the relation of the "Laodicean, 'lukewarm, neither hot nor cold', happy-go-lucky" ethos of the Lovedu to their institutions: the lack of competition in subsistence activities; the emphasis on compromise among relatives, especially affines, "who get on well 'if they agree'"; the quasi-judicial procedures, and the court itself, which aims not to give judgments and only rarely executes these, but which tries to get both parties to agree—and if it fails, seemingly is helpless. The same ethos dominates political relations and relationships with ancestral-spirits. The authors show how this ethos has affected reactions to Whites, differently from the reactions of neighbouring tribes. A second interesting theme is how the social structure is built up on the institution of cattle-linked brother and sister, who found families which send brides and cattle in opposite directions. Correlated with this, is an ambilateral family, cultivating ancestral-spirits to 2 generations in 4 lines, and the absence of the deeper lineage referred to above. Third, we are told that it is this institution by which, in the absence of force, the Queen binds her "remarkably autonomous districts" to her and to each other: headman and foreign chiefs send her wives whom she marries to the peers of the givers. To this, must be added her dominant rain-controlling (rather than rainmaking) powers, and her headship of the royal family.

Despite the book's merits, its "functionalism" is often rather crude. Cultural imperatives are postulated in teleological terms. "Marriage is also an institution, but its complicated ceremonial is concerned chiefly with the laying of the foundations of the social structure. This is a gigantic and delicate task, almost beyond the capacity of the culture" (p. 141). "Man must feel free to act without undue fear and uncertainty, and society must so order its arrangements that its members feel

safeguarded against threats to their welfare. . . . Man's striving towards self-expression and recognition must also be satisfied, and society cannot neglect to demarcate spheres for, and to reward, individual achievement, though this is no simple matter because the opportunities that stimulate must be co-ordinated with the stability and security by which men may calculate the probability of the success of their adventures"—and so on! (p. 282). Read Anand's *Untouchable* . . . . read about the Spartacists . . . . who orders society to be thus? How many millions of the world's people for thousands of years have not lived in the social conditions demanded of society by the Kriges?

The weakness of books based on the "general account" plan is always their misuse of valuable space. There are 17 chapters on different, but sometimes related topics: the shortest ("Family Ties") is 15 pages, the longest ("Culture Contact and Social Change") is 30 pages. The inevitable result is that no argument is covered really adequately, especially as many pages are wasted on descriptions of irrelevant details, such as rituals and medicines whose symbolism is not explained. Frankly, after being enticed into the book by a promising opening, I was disappointed by it. I could not help feeling that if it had been differently planned it would have been far better; the material is first-class and the authors obtained it from a difficult and secretive people. But the design of *Realm of a Rain-Queen* prevents it being a first-class analysis.[1]

It is written about a tribe in a region which is fairly well studied, and therefore it poses not only the problem, How are the Lovedu different from other Southern Bantu tribes, but also, why? What circumstances have produced this atypical culture in South Africa? Once the racial and geographical factors are excluded (and they seem to be), what internal and external social conditions were at work? From suggestions in the book it seems that the authors themselves think that the answer is to be found in the external relations of the Lovedu—that in the turmoil of the Shaka era, the appeasing policy of the Queens who "relied less and less upon their fighting unit" and more and more on their ritual powers, enabled the Lovedu to survive independent, where they would have disappeared as warriors. Mujaji in fact seems to have been united with foreign chiefs by the same institutions (cattle-linked marriages and political representatives at her capital) that unites her own districts under her. Whatever the reason, it seems to me that the external political relations of the Lovedu should have been the starting-point for understanding their culture, and that on the themes of the lack of organised political administration, the conciliatory spirit of the culture, and cattle-linked marriages a basis for the social organisation, all the points made could have been set out in an ordered, consistent argument.

Once the weakness of the plan is accepted, and some difficult and often pretentious writing navigated, it is as valuable a book as could have been written within its inherent limitations. There is much that is valuable and stimulating in it: many points are of great intrinsic interest and others suggest illuminating comparisons with other Southern Bantu cultures.

MAX GLUCKMAN.

[1] Cf. A. I. Richards who in reviewing Evans-Pritchard's *The Nuer* in *Bantu Studies* of March 1944, took the opposite point of view.

An Outline of Native Law. By JULIUS LEWIN. 1944. Johannesburg: *R. L. Esson and Co.*, P.O. Box 3664. 30 pp. 1s.

With his gift for clear and direct writing, which made his booklet on *Africans and the Police* so popular amongst Africans, Mr. Lewin has produced an excellent introduction to the study of Native law that should appeal to many Europeans no less than to Africans. He deals with the courts system, marriage (Common law and customary), inheritance, also under both legal systems, *lobolo*, guardianship, and the conflict between the two systems. Within the narrow limits of his 30 pages, he has not only defined the main legal principles in these different branches, but has also indicated some of the outstanding problems that have arisen, such as the difficulty of establishing the existence of customary unions outside Natal,

the status of women, and the unsuitability of many tribal rules under present conditions.

Any attempt to formulate principles of Native law in general terms must overcome the embarrassment of the numerous variations in custom between, and even within, the tribal clusters. For instance, the statement that "there are normally two senior wives" (p. 21) holds good only of the Xhosa-speaking peoples; this system is not universal even in the allied Zulu society, as was shown in the Dhlamini case (1939 N.A.C. (N.&T.) 95). Mr. Lewin, however, has succeeded in stating general rules without sacrificing accuracy, or where this was impossible as in the case of *lobolo*, in drawing attention to tribal differences while preserving the clarity of the main outline. This booklet, indeed, lays the basis for a future code of Native laws for all South African tribes.

Mr. Lewin's own disapproval of the tendency towards "legal segregation" that is now manifested by the Native Appeal Courts appears in his recommendation that "Native law should apply only to people living under tribal conditions; to other people the Common law of the country should apply". With the underlying spirit of this proposal no disagreement will be found by anyone who grasps the relationship between law and social institutions, but the difficulty that would attend the application of such a principle is formidable. All Africans living outside the tribal areas do not abandon all tribal customs. As against the 20,000 African marriages that take place under the Common law every year, there are something like 45,000 to 55,000 customary unions, many of which are undoubtedly concluded outside the reserves. But Mr. Lewin, even in this short work, has demonstrated the need for flexibility based upon a sound social philosophy of law which, unfortunately, is all too uncommon in our courts.

H.J.S.

An Introduction to the Study of Mende. By K. H. CROSBY, with a Phonetic Introduction by I. C. WARD. Cambridge: *W. Heffer*. 1944. 65 pp. 4s.

This is a tonal gramatical study of the Mende language, which belongs to the Sudanic family of isolating tongues. It is typical of these tongues that it is difficult to apply ordinary grammatical classification into "parts of speech" when dealing with them. A prominent feature brought out in this study is the part played by "strong" and "weak" consonants in grammatical considerations. In the main, unvoiced consonants and nasal compounds are classed as "strong", while plain voiced consonants are "weak." Strong initial consonants are found to give place to weak initials in a variety of circumstances, such as when forming the second portion of a compound noun (e.g. *funde*, cotton = *fele vande*, trade-cotton), or when an adjective follows its noun, or a noun its possessive (e.g. *sani*, bottle = *nya janii*, my bottle). Definite changes of tone pattern are found to accompany this substitution.

Nouns and verbs are the main bases of the word forms, and these with their tonal varieties are fully set out. As the author states, "verbs are classified according to the tones of the second person singular imperative," and two groups of three classes each are set out.

Mende makes formal distinction between the indefinite and the definite in nouns, and features postpositions, equivalent in significance to English prepositions (e.g. *kplaa*, near = *pele gblaa*, near a road); in such, substitution of weak for strong initials is again noticed. Mende follows a decimal system of numeration.

The system in this little book seems to provide a sound approach to the study of a language of this type, though it could be improved by a short introduction explaining the main features of structure, instead of plunging, as in Chapter I, straight into the formation of definite nouns. More explanation of the functions of the various forms, as well as some definitions, would enhance its practical value.

C.M.D.

What Happened in History. By GORDON CHILDE. London: *Penguin Books*. 1942. 256 pp. 9d.

The latest book by Professor Childe is truly an amazing achievement. In the limited compass

imposed by its publication in the *Pelican* series, we have an account of history from the earliest palaeolithic times up to the beginning of the Christian era which will satisfy both the general and the specialised reader. As in *Man Makes Himself*, the author traces the origins and development of human inventions and institutions, and interprets their effects on the economic life of the people. Far from picking over once again the dry bones of academic archaeology, the author imbues his account with the spirit of human understanding.

Professor Childe divides the vast time-field with which he deals into the orthodox sub-periods —the Palaeolithic, Neolithic, Copper, Bronze and Iron Ages, but deals with each as a form of economic organisation and shows what each owed to its predecessors. Thus we see, the palaeolithic period as an economic phase during which men lived by hunting and food-gathering, a mode of life in which the biological family is a self-sufficing unit, but with potentialities for combined activities with other units for purposes of organised hunting. Towards the end of this period we find the beginnings of trade in flint and the first specialized occupation, that of the artist-magician who probably subsisted on surplus food supplied by others. So, too, the Neolithic revolution is shown to have heralded in a food-producing economy based on agriculture and pastorisation, bringing in its train the arts of ceramics and weaving and a village organization and implying a rapid spreading out of the population over large areas. Thus each innovation in the course of human development is given its true value in the network of human culture, and not treated, as is so often done, as an independent, unrelated phenomenon.

Some exception may be taken to his use of the words "savagery", "barbarism" and "civilization" in chapter headings but his use of them is made clear in the text and more specifically in an introductory chapter. Following Morgan, the term "savagery" is applied to the food-gathering economy of the Palaeolithic; "barbarism" to the food-producing economy of the Neolithic and Copper Ages, and "civilization" to the economy ushered in by the urban revolution which resulted in the production of food by certain classes in excess of their requirements in order to support "a new *urban* population of specialised craftsmen, merchants, priests, officials and clerks. Writing was . . . . a necessary by-product of this urban revolution which ushers in civilization and initiates the historical record".

Whatever the reader's particular interest may be, he will find useful material in this book. The architect and engineer will find information on the early development of buildings and engineering works, the tradesman and craftsman will find the origins of his trade or craft, while the philosopher and scientist will find it a most useful reference.

Not the least satisfactory feature of the book is the excellent index which adds considerably to its usefulness.

B.D.M.

Bantu Babel. By J. NHLAPO. Cape Town: *The African Bookman*. P.O. Box 3115. 1944. 15 pp. 6d.

This little pamphlet from the pen of the Principal of Wilberforce Institute sets out a plea for the unification of Southern Sotho, Tswana and Northern Sotho into one literary Sotho, and for a similar unification of Zulu and Xhosa into one literary Nguni, as a step towards reducing the number of Bantu tongues in the Union. I have always felt that any such move should come from the Bantu people themselves, and perhaps this pamphlet may be a means towards serious thinking by the Bantu upon these and allied important problems regarding their languages.

A strong plea is also made for English to be the "Esperanto" of the educated African. The little booklet is well argued and well worth reading.

C.M.D.

Africa Past and Present. By T. R. BATTEN *Oxford University Press*. London: Milford. 1943. 108 pp. 2s.

Potted history is never very satisfactory: it reads too much like a catalogue, whereas history is what Mr. Batten describes it—"the story of

what men have done", and that can be a thrilling story.

Nevertheless Mr. Batten's potted history of Africa is very well done indeed, and he does succeed in giving a fairly full and absorbing picture of the story of Africa from earliest times.

He shows how in ancient times North Africa shared its history with Europe—the real barrier shutting off the Dark Continent was not the Mediterranean Sea but the Sahara Desert.

He traces very interestingly the spread of Islam in Africa and how the Mohammedans were the first slave-traders amongst the Negroes. Equally well done is the story of how Europeans came to Africa, and—a new point to many readers—how the Reformation played its part in the conquest of Africa, for English and Dutch scorned the Catholic Portuguese.

The story continues with an account of explorers, missionaries and traders, and the partition of Africa at the Berlin Conference of 1884.

The race problem of White and Black in South Africa is briefly dealt with, but with fairness and good judgment.

This is a timely little book, for events are moving apace in Africa, as Mr. Batten clearly shows, and it is a help to students of African affairs to have by them this valuable synopsis of African history.

A. J. HAILE.

Obituary : Dr. Godfrey Wilson

The recent death of Dr. Godfrey Wilson, at the early age of 35, is a sad loss to African sociology.

The son of Professor Dover Wilson, he grew up in, and was educated at Cambridge. After doing field work among the Nyakusa of Tanganyika as a Rockefeller Fellow, he was appointed the first Director of the Rhodes-Livingstone Institute, a post that he held from 1938 to 1941. During that period the Institute published in two parts his valuable account of the *Economics of Detribalization in Northern Rhodesia*, and also his earlier *Land Rights of the Individuals among the Nyakusa* and *The Constitution of Ngonde*. With his wife, Dr. Monica Hunter, he also wrote *The Study of African Society*, a short introduction intended for beginners.

But Dr. Wilson's contribution to anthropology cannot be measured only by his own publications. He did excellent work in helping to establish the Rhodes-Livingstone Institute in its early years and in carrying it through the difficulties caused by the war. Further fruits of his work may yet appear for he was engaged, in collaboration with his wife, on a book analysing social change from material gathered in central Africa.

* * * *

Research Posts

The Rhodes-Livingstone Institute is advertising five new posts. It will shortly appoint four anthropologists and one economist. Details can be had from the Director, P.O. Box 195, Livingstone. This expansion of the staff has been made possible by a substantial grant from the Colonial Development and Welfare Fund.

RECENT PUBLICATIONS

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G. V. O. Bulkeley, C.B.E., has recently retired from the British Colonial Service in Nigeria.